

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

Civil Action File No. 4:18-cv-00070-CDL

WILHEN HILL BARRIENTOS, et al.,

Plaintiffs,

vs.

REDACTED VERSION of [225] filed in
compliance with Order [342]

CORECIVIC, INC.,

Defendant.

REMOTE DEPOSITION OF
RUSSELL WASHBURN

Lumpkin, Georgia

Wednesday, December 1, 2021

Court Reporter: Michelle M. Boudreaux-Phillips, RPR

TSG Job No. 201678

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December 1, 2021

10:01 a.m.

Remote deposition of RUSSELL WASHBURN,
conducted at the location of the witness in
Lumpkin, Georgia, pursuant to Agreement,
before Michelle M. Boudreaux-Phillips, a
Registered Professional Reporter in the State
of Georgia.

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APPEARANCES

(Via Zoom)

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Also Present: Jackie Aranda Osorno, Esq.
Meredith Stewart, Esq.

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1	RUSSELL WASHBURN
2	THE COURT REPORTER: All parties to this
3	deposition are appearing remotely and have
4	agreed to the witness being sworn in
5	remotely. Due to the nature of remote
6	reporting, please pause briefly before
7	speaking to ensure all parties are heard
8	completely.
9	Counsel, please state your appearance.
10	MR. HOWARD: Alan Howard of Perkins Coie
11	for the plaintiffs.
12	MR. LEE: And Jacob Lee for CoreCivic.
13	RUSSELL WASHBURN,
14	being first duly sworn, was examined and testified as
15	follows:
16	EXAMINATION
17	BY MR. HOWARD:
18	Q Good morning, Mr. Washburn.
19	A Good morning.
20	Q My name, again, is Alan Howard. I'm an
21	attorney sitting in New York City on behalf of the
22	plaintiffs. My colleague, CJ Sandley, will be asking
23	you some questions as well, but I'm batting leadoff
24	today.
25	First, let me ask you, have you ever given a

<p style="text-align: right;">Page 10</p> <p>1 RUSSELL WASHBURN</p> <p>2 deposition before?</p> <p>3 A Yes, sir, I have.</p> <p>4 Q And how many times?</p> <p>5 A I don't know the exact number. I would say</p> <p>6 six or seven.</p> <p>7 Q And do all of these relate to your work at</p> <p>8 CoreCivic?</p> <p>9 A Yes, sir.</p> <p>10 Q Can you tell me generally the types of</p> <p>11 matters that you've given depositions in?</p> <p>12 A The majority of them were inmate or detainee</p> <p>13 cases. I know one was on a religious case. Another</p> <p>14 one was on a PREA, which is Prison Rape Elimination</p> <p>15 Act, case. The one staff one that I can remember is I</p> <p>16 think -- I believe it was a wrongful termination that</p> <p>17 the claim was for. Outside of that, I can't recall any</p> <p>18 other specifics.</p> <p>19 Q Have you given deposition testimony in any</p> <p>20 case since you've came to Stewart?</p> <p>21 A Yes.</p> <p>22 Q What did that involve?</p> <p>23 A Those are the two case. They were not</p> <p>24 Stewart cases, but they were from my previous facility,</p> <p>25 but I was at Stewart.</p>	<p style="text-align: right;">Page 11</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Understood. So you've not given any</p> <p>3 testimony, deposition testimony, involving your</p> <p>4 activities at Stewart; is that correct?</p> <p>5 A I don't believe so, no, sir.</p> <p>6 Q How about any legal proceedings involving</p> <p>7 activities at Stewart, have you been involved in any of</p> <p>8 those?</p> <p>9 A Yes. When I first arrived, it was relative</p> <p>10 to the COVID, onset of COVID, and those types of</p> <p>11 things. It was a conversation with a judge. I'm not</p> <p>12 sure if they were doing it -- like I said, I was</p> <p>13 probably here two or three weeks, and I had to get on a</p> <p>14 call and then speak with a judge, so I couldn't really</p> <p>15 tell you what that was all about. It was just more</p> <p>16 about the COVID and social distancing and those types</p> <p>17 of things.</p> <p>18 Q Understood. It's been challenging times</p> <p>19 since your arrival, I gather?</p> <p>20 A Since day one. I came in right at the onset</p> <p>21 of COVID, so yes, sir.</p> <p>22 Q Let me just give you some ground rules,</p> <p>23 you're familiar with it, but just as to how we'll</p> <p>24 proceed today, in particular in a remote environment.</p> <p>25 As the court reporter said, it's very</p>
<p style="text-align: right;">Page 12</p> <p>1 RUSSELL WASHBURN</p> <p>2 important to have a pause to make sure I finish my</p> <p>3 question before you begin answering, and I'll try not</p> <p>4 to interrupt you as well. If I do on occasion, please</p> <p>5 just let me know and continue your answer.</p> <p>6 A Yes, sir.</p> <p>7 Q It's also important to have verbal responses,</p> <p>8 as opposed to nods of the head, so the court reporter</p> <p>9 can take down all your testimony.</p> <p>10 A Yes, sir.</p> <p>11 Q If you don't understand one of my questions,</p> <p>12 please let me know and I'll rephrase it. And if you</p> <p>13 don't hear one of my questions completely, let me know</p> <p>14 and I'll repeat it.</p> <p>15 A Understood.</p> <p>16 Q So any time you want to take a break, please</p> <p>17 just let me know and I will accommodate you.</p> <p>18 A Yes, sir.</p> <p>19 Q One other thing -- you're probably aware of</p> <p>20 this too -- from time to time your counsel may make</p> <p>21 objections to questions that Ms. Sandley or I pose to</p> <p>22 you. And unless your counsel, Mr. Lee, gives you an</p> <p>23 instruction not to answer the question, after he's</p> <p>24 completed his objection, the expectation is you will</p> <p>25 give an answer, okay?</p>	<p style="text-align: right;">Page 13</p> <p>1 RUSSELL WASHBURN</p> <p>2 A Understood.</p> <p>3 Q A question we ask of all witnesses, are you</p> <p>4 taking any medication or is there any other reason you</p> <p>5 can't give your best testimony today?</p> <p>6 A No, there's no reason.</p> <p>7 Q Terrific.</p> <p>8 So you understand you're here to give</p> <p>9 testimony on behalf of CoreCivic as CoreCivic's</p> <p>10 designated witness on a variety of topics relating to a</p> <p>11 lawsuit filed against CoreCivic in April 2018 relating</p> <p>12 to detainees at the Stewart Detention Center in a</p> <p>13 voluntary work program, correct?</p> <p>14 A Yes, sir.</p> <p>15 Q When did you first learn about the lawsuit</p> <p>16 itself?</p> <p>17 A Let's see. I arrived in April of 2020,</p> <p>18 April 1st. I can't pinpoint the exact date. It would</p> <p>19 have been sometime shortly thereafter, but to recall a</p> <p>20 specific date, I really can't. I know it probably came</p> <p>21 by way of a request for documents, but even that, it</p> <p>22 would be specification. I suspect that's probably when</p> <p>23 I became aware, when there was a request for documents</p> <p>24 pertaining to this specific case</p> <p>25 Q And that was after you'd already started as</p>

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1 RUSSELL WASHBURN
 2 warden at Stewart in April of 2020?
 3 A Yes, sir.
 4 Q Did you have any conversation, as part of the
 5 onboarding process coming in as the warden at Stewart,
 6 with anyone about the lawsuit?
 7 A No, not prior to the request for documents.
 8 Q Other than the request for documents, did you
 9 have any conversations -- and I'm not going to ask for
 10 content yet -- with anyone about the lawsuit?
 11 A Outside of my lawyers or attorneys?
 12 Q Well, put aside -- outside of your
 13 preparation for this deposition, from the time you
 14 joined Stewart, you came onboard as warden at Stewart
 15 in April of 2020, up until you started preparing for
 16 this deposition, did you have any conversations with
 17 anyone about the lawsuit?
 18 A Yeah, I was -- I had conversations with the
 19 attorneys as they were requesting specific documents,
 20 and that conversation would have been more specifically
 21 to the types of documents that they were requesting for
 22 this lawsuit.
 23 Q Other than the lawyers requesting documents
 24 for the lawsuit, did you have any substantive
 25 conversations with anyone about the allegations in the

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1 RUSSELL WASHBURN
 2 CoreCivic at Stewart pending when you came to Stewart
 3 as warden?
 4 MR. LEE: Object to form.
 5 And I'll remind the witness to not
 6 answer to the extent that would require
 7 discussing conversations with counsel, either
 8 outside or internally at CoreCivic.
 9 THE WITNESS: No, other than with my
 10 attorneys.
 11 Q (By Mr. Howard) And you told me what the
 12 context -- what the content of your conversations with
 13 your attorneys was before.
 14 So is it fair to say that you, as the warden
 15 coming into Stewart in April of 2020 up until present,
 16 have taken no specific steps to determine for yourself
 17 whether the allegations in the complaint are true or
 18 not true and whether any measures should be taken by
 19 CoreCivic at Stewart with respect to the allegations in
 20 the complaint?
 21 MR. LEE: Object to form and foundation.
 22 THE WITNESS: Maybe I don't understand
 23 the -- could you rephrase the question or
 24 clarify the question?
 25 MR. HOWARD: Sure.

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1 RUSSELL WASHBURN
 2 lawsuit?
 3 A No, sir.
 4 Q And is that true up and until the time where
 5 you started preparing for this deposition?
 6 A Yes, sir.
 7 Q When did you start preparing for this
 8 deposition?
 9 A I guess it would be about three weeks ago. I
 10 started reviewing documentation and having
 11 conversations with our lawyers.
 12 Q So just to clarify, from April of 2020, when
 13 you came to Stewart as the warden after this lawsuit
 14 had already been filed, up until, say, October of 2021,
 15 you've had no substantive conversations with anyone
 16 about the allegations of the case?
 17 MR. LEE: Object to form.
 18 THE WITNESS: Specific to the
 19 allegations, no.
 20 Q (By Mr. Howard) Did you ever read the
 21 complaint in the case before you started preparing for
 22 the deposition?
 23 A No.
 24 Q Did anyone tell you that there was requested
 25 remedy of injunctive relief involving conduct of

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1 RUSSELL WASHBURN
 2 Q (By Mr. Howard) You've told me you haven't
 3 read the complaint, that you didn't have substantive
 4 conversations about the allegations in the complaint,
 5 so I'm just asking the natural follow-up.
 6 Is it fair to say, then, you yourself, as
 7 warden at Stewart, have not taken steps to determine
 8 for yourself the truth of the allegations in the
 9 complaint?
 10 MR. LEE: Object to form.
 11 THE WITNESS: No, that would not be
 12 true. You know, as the warden, I'm
 13 responsible for making sure that we're in
 14 compliance with the PBNDs standards, the 5.8,
 15 which is specific to this case. So being
 16 knowledgeable of the requirements for this
 17 particular program would be an expectation
 18 regardless of this case or not.
 19 Q (By Mr. Howard) But other than being
 20 responsible for being in compliance with PBNDs, do you
 21 even know what the allegations of the complaint are
 22 beyond that?
 23 MR. LEE: Object to form.
 24 THE WITNESS: My understanding of the
 25 allegation is that people are being -- the

<p style="text-align: right;">Page 18</p> <p>1 RUSSELL WASHBURN</p> <p>2 detainees were being forced to work. That's</p> <p>3 my understanding of the case.</p> <p>4 Q (By Mr. Howard) That's your complete, full</p> <p>5 understanding of the case?</p> <p>6 A Yes.</p> <p>7 Q And is it your view, then, that if you, as</p> <p>8 warden, assure that CoreCivic is operating at Stewart</p> <p>9 within the parameters of the PBNS, that is a complete</p> <p>10 defense to the allegations in the complaint?</p> <p>11 MR. LEE: Object to form and calls for a</p> <p>12 legal conclusion. I didn't object to some of</p> <p>13 the earlier questions as background, but</p> <p>14 we're kind of getting into Warden Washburn's</p> <p>15 personal opinions, which is beyond the scope</p> <p>16 of the 30(b)(6) notice.</p> <p>17 Q (By Mr. Howard) You may answer.</p> <p>18 A If you could -- give me the question one more</p> <p>19 time. I apologize.</p> <p>20 MR. HOWARD: Yeah. Michelle, could you</p> <p>21 please read that back.</p> <p>22 (Record read.)</p> <p>23 MR. LEE: Object to form. Beyond the</p> <p>24 scope.</p> <p>25 THE WITNESS: My answer would be my</p>	<p style="text-align: right;">Page 19</p> <p>1 RUSSELL WASHBURN</p> <p>2 responsibility is, yes, to ensure that we're</p> <p>3 operating in full compliance with the PBNS</p> <p>4 standards and the policies that are</p> <p>5 applicable, so yes.</p> <p>6 Q (By Mr. Howard) When you say "the policies</p> <p>7 that are applicable," what policies are you referring</p> <p>8 to?</p> <p>9 A All of our policies, the 19-100, which is the</p> <p>10 policy that we have here at Stewart specific to the</p> <p>11 voluntary work program, and then, of course, the PBNS</p> <p>12 standard, which is 5.8.</p> <p>13 Q Now, other than those policies that you just</p> <p>14 mentioned, are there any other policies or procedures</p> <p>15 that CoreCivic has established with respect to how it</p> <p>16 is going to operate the work program at Stewart?</p> <p>17 A No. I believe those are the primary two</p> <p>18 policies that govern the voluntary work program.</p> <p>19 Q Okay, but you're familiar with the PBNS and</p> <p>20 Policy 19-100?</p> <p>21 A Yes, sir.</p> <p>22 Q And there's nothing in those standards which</p> <p>23 dictates what jobs at Stewart CoreCivic can have</p> <p>24 detainees perform or not, correct?</p> <p>25 MR. LEE: Object to form.</p>
<p style="text-align: right;">Page 20</p> <p>1 RUSSELL WASHBURN</p> <p>2 THE WITNESS: No, not in those two</p> <p>3 policies, that I'm aware of. 18-100, I</p> <p>4 believe, has the outline of specific jobs</p> <p>5 that are available here at Stewart, but</p> <p>6 19-100 and PBNS standards do not have a list</p> <p>7 of jobs.</p> <p>8 Q (By Mr. Howard) So tell me, for purposes of</p> <p>9 determining what jobs at Stewart would be available for</p> <p>10 detainees, who determines that?</p> <p>11 A It would rest with the facility.</p> <p>12 Q And who at the facility determines that?</p> <p>13 A It would be -- the ultimate would be the</p> <p>14 warden's final approval, but it would be established in</p> <p>15 a committee of the unit team members, the chief of</p> <p>16 security, the chief of unit management, assistant</p> <p>17 wardens, warden, you know, as far as the approval</p> <p>18 process. But any person really could make a</p> <p>19 recommendation or a request, and then those would have</p> <p>20 to go through the evaluation piece to ensure that</p> <p>21 there's not any life safety/security issues that may be</p> <p>22 concerning for whatever the role or the jobs they're</p> <p>23 requesting to be added.</p> <p>24 Q Got it. And that process has taken place</p> <p>25 under your supervision since you've been warden?</p>	<p style="text-align: right;">Page 21</p> <p>1 RUSSELL WASHBURN</p> <p>2 A No, we've not added or deleted any positions</p> <p>3 that were not already in existence upon my arrival.</p> <p>4 And I've looked at the particular ones that have been</p> <p>5 used and approved, and I have no concerns or issues</p> <p>6 with those.</p> <p>7 Q Okay. And you've looked at those as part of</p> <p>8 the process of preparing for the deposition or as part</p> <p>9 of your job as warden?</p> <p>10 A Both.</p> <p>11 Q And is it fair to say that was an entirely</p> <p>12 CoreCivic-driven process, in other words, it was</p> <p>13 totally up to CoreCivic to decide, you know, what kinds</p> <p>14 of jobs detainees would fill, how many of those jobs</p> <p>15 detainees would fill at Stewart; is that correct?</p> <p>16 MR. LEE: Object to form.</p> <p>17 THE WITNESS: I would say yes, but I</p> <p>18 would suspect that we would also -- and,</p> <p>19 again, because I have not added or deleted</p> <p>20 any job titles since my arrival, I would</p> <p>21 suspect -- and I would certainly engage ICE</p> <p>22 into the conversation before I either took</p> <p>23 away or added any new jobs, but I don't know</p> <p>24 that there's a requirement for us to do</p> <p>25 that.</p>

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2 Q (By Mr. Howard) And do you know for sure

3 whether your predecessor wardens or committees of unit

4 management, et cetera, as you described them, did that

5 for any particular jobs, or are you just making an

6 assumption?

7 A Yeah.

8 MR. LEE: Objection.

9 THE WITNESS: Sorry. I can't speculate

10 what they did or did not do before my

11 arrival.

12 Q (By Mr. Howard) Now, with respect to pay for

13 detained workers, the standards set a floor, a minimum,

14 that you're required to pay detainees, correct?

15 A That is correct. One dollar.

16 Q One dollar per day?

17 A That's correct.

18 Q But, in fact, CoreCivic has paid some workers

19 more than \$1 per day, up to, for example, \$4 per day

20 for kitchen workers, right?

21 A That's correct. We do not currently have any

22 positions that pay the minimum.

23 Q What's the minimum amount that you pay at

24 Stewart currently?

25 A Two dollars.

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1 RUSSELL WASHBURN

2 A Yes, it is.

3 Q Now, it's also CoreCivic's determination as

4 to how you are going to recruit workers to participate

5 in the program, correct?

6 A Yes. I think I understand the question.

7 Through the classification process and meeting certain

8 criteria for job placements, yes.

9 Q And CoreCivic will determine whether or not

10 to provide incentives to get detainees to participate

11 in the work program, correct?

12 A Can you clarify "incentives"?

13 Q Sure. There are -- for example, giving more

14 pay to kitchen workers to incentivize detainees to work

15 in the kitchen or putting kitchen workers in separate

16 housing with extra perks, things like that.

17 A Yes, sir, that is within CoreCivic's ability.

18 Q And CoreCivic has done that?

19 A Yes.

20 Q For example, one incentive has been to

21 provide certain workers with phone cards as incentives

22 for extra work; is that correct?

23 A I don't recall since I've been here if we've

24 done that. I can't say for sure that we have not. I

25 don't recall that we have specifically here at Stewart.

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1 RUSSELL WASHBURN

2 Q And do some people make \$3? Like, is there

3 2, 3, and 4, or is it 2 or 4?

4 A Yes, it's either one or two positions. I'd

5 have to look at the document. I think -- it's either

6 18.1 or 18-100. I apologize, I can't remember that,

7 but I know it's a CC form, but it's either one or two

8 positions that are at \$3, and there's a handful that

9 are at \$4.

10 Q And that was CoreCivic's decision to pay some

11 workers \$2 and other workers \$4, correct?

12 A Yes.

13 Q ICE didn't dictate that?

14 A No. What's in the standards is the dollar,

15 and that's what ICE dictates, is the dollar.

16 Q And CoreCivic has the discretion to pay more

17 than a dollar?

18 A Yes, we do.

19 MR. LEE: Form.

20 THE WITNESS: Sorry.

21 Q (By Mr. Howard) You could pay the detainees

22 minimum wage if you wanted to, right?

23 A There is no maximum level that has been

24 established.

25 Q That's totally within CoreCivic's discretion?

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1 RUSSELL WASHBURN

2 Q There's some documentation to that effect,

3 but I take it that among the documents you reviewed in

4 preparation for this testimony today, you did not see

5 those?

6 A I don't recall those documents.

7 Q CoreCivic determines the shifts that detained

8 workers will work, correct?

9 A Yes.

10 Q CoreCivic determines when detained workers

11 commit an offense relating to the work program that

12 merits discipline, correct?

13 MR. LEE: Object to form.

14 THE WITNESS: No, because we do not

15 discipline specifically for the voluntary

16 work program.

17 Q (By Mr. Howard) CoreCivic has never

18 disciplined anyone for acts relating to the work

19 program, like, for example, not showing up for work?

20 MR. LEE: Object to form.

21 THE WITNESS: Again, I can't respond for

22 every facility without looking at their

23 documents. Or if you have documents, I

24 certainly can take a look at that and answer

25 more clearly to that. But to my knowledge,

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1 RUSSELL WASHBURN

2 specifically, not that I'm aware of.

3 Q (By Mr. Howard) Well, I understand you might

4 not have personal knowledge of this happening at

5 Stewart, and I can show you documents, but let me ask,

6 going back to your designation as a 30(b)(6)

7 representative of the company, CoreCivic, what, if

8 anything, did you do to educate yourself as to whether

9 any discipline had ever been applied to detainees

10 relating to the work program at Stewart over the last

11 10 years?

12 MR. LEE: Object to form.

13 THE WITNESS: I read through the

14 documents that were provided by counsel, but

15 to say I recall/remember every -- specifics

16 in all those documents, I can't.

17 Q (By Mr. Howard) So you did mention that you

18 reviewed documents, those that were provided by

19 counsel. Can you tell me the volume of those

20 documents?

21 A No. I mean, I can tell you types of

22 documents I reviewed, but the number, I reviewed some

23 invoices, some budgets that were provided, pay sheets

24 for detainees, previous depositions from other

25 individuals that have already been deposed -- bear with

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1 RUSSELL WASHBURN

2 Q Were you provided with the exhibits to those

3 transcripts as well?

4 A Yes, I believe so.

5 Q Did you review those?

6 A Some. I won't say all.

7 Q You mentioned also you've had, obviously,

8 discussions with counsel. Have you had any in-person

9 meetings with counsel in preparation for the

10 deposition?

11 A No, sir.

12 Q Were your meetings by Zoom or by phone?

13 A By phone.

14 Q How many times did you speak with counsel in

15 preparation for the deposition?

16 A Once by phone. Yeah, once by phone. I think

17 we exchanged a couple of emails, and that was more to

18 say some documents have been uploaded for review-type

19 communications.

20 Q So once by phone?

21 A Yes, sir.

22 Q And for how long did you speak?

23 A Between an hour and a half, two hours.

24 Q How long ago was that?

25 A Yesterday.

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1 RUSSELL WASHBURN

2 me; I'm working through -- contract amendments and

3 changes, the contract itself. I'm sure there were

4 others. It's a pretty lengthy list of documents that I

5 went through.

6 Q And these were all documents that counsel

7 chose for you to review, or did you make any requests

8 to see certain documents that you made to counsel?

9 A No. These were all provided by counsel.

10 Q And selected by counsel, correct?

11 A That's correct.

12 MR. LEE: Object to form.

13 THE WITNESS: I'm sorry.

14 Q (By Mr. Howard) Were there emails among the

15 documents that you reviewed?

16 A There were some emails, yes.

17 Q Can you recall any in particular?

18 A No, sir. Again, if you're able to show them

19 to me, we can talk through them.

20 Q You mentioned that you did review depositions

21 taken in this case. Can you recall which deponents,

22 which witnesses?

23 A Jackie Norman's, Terrence Lane, Bethany --

24 it's now Braizer, but Norman, Mike Swinton. Those are

25 the four I can recall off the top of my head.

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1 RUSSELL WASHBURN

2 Q So just prior to yesterday, you had no

3 substantive conversations with counsel concerning this

4 deposition or your preparation for this deposition?

5 A No, outside of, you know, document requests

6 that had occurred, you know, prior to.

7 Q Earlier in the case. I'm talking now just

8 about your preparation work for this deposition.

9 Counsel sent you some documents and transcripts that

10 you reviewed?

11 A Correct.

12 Q And yesterday you had an hour-and-a-half to

13 two-hour call?

14 A Yes, sir, that's correct.

15 Q Did you speak to any other -- I take it that

16 the counsel is Mr. Lee?

17 A Yes.

18 Q Other than Mr. Lee, have you spoken to any

19 other person in preparation for this deposition today?

20 A No.

21 Q For example, you didn't call up any of the

22 other witnesses who gave testimony to ask them for

23 clarification or questions about things they talked

24 about?

25 A No.

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1 RUSSELL WASHBURN

2 Q I mean, some of those witnesses you

3 mentioned, I know I took the deposition of Mr. Swinton,

4 and he talked about giving phone cards for incentives.

5 We just talked a moment ago whether you were aware that

6 happened to your knowledge, you said no, but did you

7 recall seeing that in Mr. Swinton's deposition?

8 MR. LEE: Object to form.

9 THE WITNESS: Again, to remember every

10 item -- they were pretty extensive

11 depositions, on all of them, so to say that I

12 remember verbatim what all the questions and

13 the responses were, I can't do that, and I'm

14 not sure that any person could.

15 Q (By Mr. Howard) Well -- and you say you

16 still haven't -- did you read the complaint in this

17 action or any of the other pleadings, the court

18 filings, in connection with your preparation for this

19 deposition?

20 A No, I don't believe so.

21 MR. HOWARD: Jackie, can you pull up for

22 me the 30(b)(6) notice.

23 Please bear with us, Mr. Washburn. The

24 process here -- one of my colleagues pulls up

25 and shares the screen, but there's a process

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1 RUSSELL WASHBURN

2 MR. LEE: Object to form.

3 THE WITNESS: In depth, yes, sir.

4 Q (By Mr. Howard) When you say "in depth," was

5 there a prior time when you did so less in depth?

6 A I'm sure there was over that couple-week

7 period of time from the time it was uploaded. I would

8 have looked at it, yes.

9 Q And did you have an understanding, when it

10 was provided to you, that you would be the designated

11 person to talk to -- talk on behalf of CoreCivic about

12 all of these topics?

13 A Yes.

14 Q And I take it you certainly didn't have

15 personal knowledge of all of these topics or subtopics,

16 did you?

17 A No.

18 Q So other than reviewing the documents that

19 counsel provided to you, what steps, if any, did you

20 take to educate yourself about the topics as to which

21 you do not have personal knowledge?

22 A Again, reviewing the documents provided by

23 counsel and then the discussions with counsel.

24 Q Nothing else?

25 A No.

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1 RUSSELL WASHBURN

2 she has to go through about marking it as an

3 exhibit to your deposition. It takes a

4 minute or two.

5 THE WITNESS: Understood.

6 (Exhibit 1 marked for identification.)

7 Q (By Mr. Howard) We've marked as Exhibit 1 to

8 your deposition a document entitled "Fourth Revised

9 Notice of Rule 30(b)(6) Deposition and Request for

10 Documents."

11 I'll have Jackie scroll through this and get

12 to the topics for the deposition, but my first question

13 is whether you've seen this document before.

14 A Yes, sir, I have seen this document. Yes.

15 Q Okay. And this was a document provided by

16 counsel to you?

17 A Yes, sir.

18 Q When was this document provided to you?

19 A To say when it specifically was uploaded in

20 that SharePoint area that legal -- or counsel was

21 putting these documents, I don't know that I can answer

22 that. I know we spent a good amount of time yesterday

23 going through this document with counsel.

24 Q So was yesterday the first time you went

25 through this document and reviewed it with counsel?

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1 RUSSELL WASHBURN

2 Q You didn't speak to anybody else at CoreCivic

3 who might have personal knowledge as to some of these

4 topics?

5 A No, sir.

6 Q You didn't speak to any of your

7 predecessors/wardens at Stewart?

8 A No, sir.

9 Q You didn't speak to any of the other

10 deponents in this case?

11 A No, sir.

12 Q Did you speak to anybody at CoreCivic

13 corporate about any of these topics?

14 A Outside of counsel, no.

15 Q You spoke to internal CoreCivic counsel in

16 Nashville, is that right, or are you speaking now just

17 about Mr. Lee?

18 A No. One of the -- we refer to is as FSC,

19 Facility Support Center. One of our attorneys was on

20 the call yesterday for a brief period of time, and

21 although I didn't have any direct communication with

22 Ms. Williams, she was on the call for at least a

23 portion of that call.

24 Q And she's an attorney at FSC?

25 A Yes.

<p style="text-align: right;">Page 34</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q And was -- I don't want to get into the</p> <p>3 specifics of your conversation, obviously, with an</p> <p>4 in-house attorney; however, I would like to know</p> <p>5 whether conversations with Ms. Williams were intended</p> <p>6 to educate you on topics on this notice.</p> <p>7 MR. LEE: Form and foundation.</p> <p>8 THE WITNESS: I'm sorry, sir, I thought</p> <p>9 you had more.</p> <p>10 MR. HOWARD: No. I thought I might have</p> <p>11 as well, but I just left it at that.</p> <p>12 Q (By Mr. Howard) Was any of the conversation</p> <p>13 with Ms. Williams designed to educate you as to topics</p> <p>14 on Exhibit 1?</p> <p>15 MR. LEE: Form and foundation.</p> <p>16 THE WITNESS: Yes.</p> <p>17 Q (By Mr. Howard) Which topics? Do you recall</p> <p>18 specifically?</p> <p>19 A If you scroll -- if you're able to scroll, I</p> <p>20 can tell you the topic number. It was relative to</p> <p>21 contracts, but I'm not sure of the exact title, so if</p> <p>22 you can scroll through, I can tell you.</p> <p>23 Q Okay. So that would be Topic 6?</p> <p>24 A Well, if you can go to it, I'll tell you for</p> <p>25 sure.</p>	<p style="text-align: right;">Page 35</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q (Complies with request.)</p> <p>3 A No, I don't believe that was the right one.</p> <p>4 Q Maybe ?</p> <p>5 A And it could be 6. I just read through it.</p> <p>6 I apologize. I should have read through it first</p> <p>7 before I -- but we can look at 7. It may have been,</p> <p>8 actually, both.</p> <p>9 Q Well, let's stick on 6 for a minute.</p> <p>10 A Okay.</p> <p>11 Q I take it you personally were not involved in</p> <p>12 negotiation of the intergovernmental services agreement</p> <p>13 between Stewart and ICE, correct?</p> <p>14 A No, I was not.</p> <p>15 Q Or any of the modifications to that</p> <p>16 agreement?</p> <p>17 A No, I was not.</p> <p>18 Q So I'm going to be asking you a series of</p> <p>19 questions today about how that contract was negotiated</p> <p>20 and about details about the modifications.</p> <p>21 Are you prepared, based on your discussions</p> <p>22 with Ms. Williams, to answer those questions?</p> <p>23 A Without hearing the questions, I don't know</p> <p>24 that I could say whether I could or do could not</p> <p>25 respond.</p>
<p style="text-align: right;">Page 36</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Let's throw one out for example. Are you</p> <p>3 familiar with the various processes by which CoreCivic</p> <p>4 can obtain government contracts, for example, bidding</p> <p>5 process versus other processes?</p> <p>6 MR. LEE: Object to form. Exceeds the</p> <p>7 scope.</p> <p>8 THE WITNESS: To some degree, yes. I</p> <p>9 won't say I'm a subject-matter expert in that</p> <p>10 regard; but, yes, I know that we do respond</p> <p>11 to RFPs, requests for proposals, that are</p> <p>12 sent out. Of course, that's collectively</p> <p>13 established and evaluated through appropriate</p> <p>14 subject-matter experts, or SMEs, as we refer</p> <p>15 to them, at our Facility Support Center that</p> <p>16 starts that process to determine whether or</p> <p>17 not we want to actively bid on that request</p> <p>18 for proposal or not.</p> <p>19 Q (By Mr. Howard) Do you know whether the</p> <p>20 Stewart Detention Center contract with ICE was one that</p> <p>21 CoreCivic bid for or obtained in some other way?</p> <p>22 A No, I do not know.</p> <p>23 Q So -- well, in the bidding process -- have</p> <p>24 you been involved in the bidding process before for</p> <p>25 contracts for CoreCivic?</p>	<p style="text-align: right;">Page 37</p> <p>1 RUSSELL WASHBURN</p> <p>2 A Yes. I mean, I've provided some information</p> <p>3 relative to operations and have assisted with</p> <p>4 determining appropriate staffing pattern levels if we</p> <p>5 were to assume a contract or operate a facility. So in</p> <p>6 that regards, yes.</p> <p>7 Q Okay. And all of that is important for</p> <p>8 CoreCivic to assess in order to make a competitive bid,</p> <p>9 a bid that will cover all of CoreCivic's costs but be</p> <p>10 as competitive as possible, because you want to get</p> <p>11 awarded the contract, right?</p> <p>12 MR. LEE: Object to form. Exceeds</p> <p>13 scope.</p> <p>14 THE WITNESS: Yes, all that information</p> <p>15 would be necessary in order to determine what</p> <p>16 would be the appropriate bid or offer for</p> <p>17 that particular bid, yes.</p> <p>18 Q (By Mr. Howard) And for any of the</p> <p>19 facilities for which you did that bid, did those</p> <p>20 include detention centers or just correctional</p> <p>21 facilities?</p> <p>22 MR. LEE: Object to form. Exceeds the</p> <p>23 scope.</p> <p>24 THE WITNESS: All of my involvement</p> <p>25 prior has been with other jails and prison</p>

<p style="text-align: right;">Page 38</p> <p>1 RUSSELL WASHBURN</p> <p>2 systems, correctional facilities.</p> <p>3 Q (By Mr. Howard) Okay, but do you know</p> <p>4 whether CoreCivic did the same assessment of its</p> <p>5 operational needs and staffing at Stewart Detention</p> <p>6 Center when negotiating for the bid -- for the contract</p> <p>7 with ICE for Stewart?</p> <p>8 A Yes, we would have had to complete that</p> <p>9 process. That is our process internally, is to collect</p> <p>10 all of the appropriate data so that we can collectively</p> <p>11 determine the appropriate response to the request for</p> <p>12 proposal.</p> <p>13 Q But even if it wasn't a request for proposal,</p> <p>14 if it was just an intergovernmental services agreement</p> <p>15 being negotiated in terms of things like the day rates</p> <p>16 that would be paid, it would be important for CoreCivic</p> <p>17 to assess what its costs would be in operating the</p> <p>18 facility to negotiate a contract that would assure that</p> <p>19 CoreCivic would get a profit, correct?</p> <p>20 A Yes. We would have to know all of the costs</p> <p>21 in order to enter into that agreement, yes.</p> <p>22 Q And one of the major costs for operating a</p> <p>23 facility like Stewart is labor cost, right?</p> <p>24 A Yes. I think that's common for virtually any</p> <p>25 employer, yes.</p>	<p style="text-align: right;">Page 39</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q But would you say it's the highest cost of</p> <p>3 operation of Stewart?</p> <p>4 A Yes.</p> <p>5 Q And that labor cost involves, you know, all</p> <p>6 the jobs performed at Stewart, right?</p> <p>7 A Yes.</p> <p>8 MR. LEE: Object to form.</p> <p>9 Q (By Mr. Howard) So that would include the</p> <p>10 CoreCivic employees being hired to perform certain jobs</p> <p>11 and the detainees who are performing certain jobs as</p> <p>12 part of the work program, correct?</p> <p>13 MR. LEE: Object to form.</p> <p>14 THE WITNESS: Yes, it would.</p> <p>15 Q (By Mr. Howard) And so in order to negotiate</p> <p>16 a profitable contract with ICE for CoreCivic, CoreCivic</p> <p>17 would have to assess how it was going to staff the</p> <p>18 Stewart Detention Center with employees and with</p> <p>19 detainee labor and determine how much that was going to</p> <p>20 cost so that you could set an appropriate rate, day</p> <p>21 rate, correct?</p> <p>22 MR. LEE: Form.</p> <p>23 THE WITNESS: Yes.</p> <p>24 Q (By Mr. Howard) So do you know who did that</p> <p>25 and how that was done at CoreCivic when you entered</p>
<p style="text-align: right;">Page 40</p> <p>1 RUSSELL WASHBURN</p> <p>2 into the original contract for the Stewart Detention</p> <p>3 Center?</p> <p>4 A No, I would not know the who specifically. I</p> <p>5 think we're back in 2007, 2008, sometime in that time</p> <p>6 frame, so I wouldn't know the who.</p> <p>7 Q Okay. Well, how about the how? What</p> <p>8 calculations were made, in terms of how many jobs would</p> <p>9 be filled by CoreCivic employees and how many would be</p> <p>10 filled by detainees, when determining the cost -- the</p> <p>11 labor cost of operation of Stewart in order to</p> <p>12 negotiate an appropriate day rate in that contract?</p> <p>13 MR. LEE: Object to form.</p> <p>14 THE WITNESS: There's a lot of things</p> <p>15 that go into consideration when you're</p> <p>16 establishing what's the appropriate staffing.</p> <p>17 Physical plant has a lot to do with staffing</p> <p>18 needs. Each plant may be a little different,</p> <p>19 which may drive for additional staff versus</p> <p>20 another design or build, different type</p> <p>21 facility. So that plays a big part. And</p> <p>22 then really assessing how many staff do we</p> <p>23 need to provide and meet the contractual and</p> <p>24 the standard requirement or policy</p> <p>25 requirements are collective of all.</p>	<p style="text-align: right;">Page 41</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q (By Mr. Howard) Okay, and I'm asking how</p> <p>3 that was done for Stewart and what determinations were</p> <p>4 made in connection with that staffing about what jobs</p> <p>5 would be performed by CoreCivic employees versus what</p> <p>6 jobs would be performed by detainees?</p> <p>7 MR. LEE: Object to form.</p> <p>8 THE WITNESS: I don't know that I</p> <p>9 follow. I felt I did respond when I was</p> <p>10 talking about the physical plant and how many</p> <p>11 staff that you would need for each specific</p> <p>12 area of the facility in order to provide.</p> <p>13 It's also an assessment of, you know,</p> <p>14 what post is required to be 24 hours a day,</p> <p>15 seven days a week versus what post would be</p> <p>16 considered detail posts that may only cover a</p> <p>17 five-day workweek for, you know, 40 hours a</p> <p>18 week.</p> <p>19 So, I mean, there's a lot of things that</p> <p>20 go into consideration. And then, again, the</p> <p>21 contract requirements will have a big part</p> <p>22 if -- those staffing elements and staffing</p> <p>23 needs.</p> <p>24 The primary focus is really more of</p> <p>25 employees, not necessarily the detainee work</p>

<p style="text-align: right;">Page 42</p> <p>1 RUSSELL WASHBURN</p> <p>2 program or inmate work programs that are in</p> <p>3 existence, because none of those are</p> <p>4 permanent or ones that you can rely upon</p> <p>5 because it's classification-driven. It's, in</p> <p>6 this case, those who would want to volunteer</p> <p>7 versus in a prison where they would</p> <p>8 potentially be required to work or a</p> <p>9 different contract.</p> <p>10 So contract, physical plants, all of</p> <p>11 those things would have been taken into</p> <p>12 consideration, policies and procedures would</p> <p>13 have been taken into consideration when</p> <p>14 determining what is the appropriate staffing</p> <p>15 pattern or levels for the Stewart Detention</p> <p>16 Center.</p> <p>17 MR. HOWARD: Okay. I appreciate all</p> <p>18 that. I think you're missing the point of my</p> <p>19 question, so let me try again.</p> <p>20 Q (By Mr. Howard) In order to negotiate a</p> <p>21 contract with ICE that will pay CoreCivic all of its</p> <p>22 costs, plus a profit -- because you're in business to</p> <p>23 make money, you're a for-profit company, right?</p> <p>24 A We are, yes.</p> <p>25 Q So you would never knowingly negotiate a</p>	<p style="text-align: right;">Page 43</p> <p>1 RUSSELL WASHBURN</p> <p>2 contract where CoreCivic would lose money or even break</p> <p>3 even, correct?</p> <p>4 A No, we would not.</p> <p>5 Q So if you were negotiating a contract for</p> <p>6 Stewart because CoreCivic wanted to operate the Stewart</p> <p>7 Detention Center, CoreCivic wanted to operate that</p> <p>8 Stewart Detention Center at a profit, right?</p> <p>9 A Yes. We would have been working towards</p> <p>10 meeting that profit margin, yes.</p> <p>11 Q And the primary price point, if you will, for</p> <p>12 the ICE contract is the day rate that ICE would pay</p> <p>13 CoreCivic per detainee per day, correct?</p> <p>14 A That's correct.</p> <p>15 Q And that's roughly now about 60-something</p> <p>16 dollars; is that right?</p> <p>17 A 67.84, I believe is the current rate, and</p> <p>18 then a dollar of that, I believe, goes to Stewart</p> <p>19 County.</p> <p>20 Q So your net day rate for each detainee, and</p> <p>21 we'll get into this in a little bit more detail, is</p> <p>22 66 -- was it 66.85?</p> <p>23 A Eighty-four, I believe.</p> <p>24 Q Eighty-four, yeah.</p> <p>25 Now, the original rate was a little bit</p>
<p style="text-align: right;">Page 44</p> <p>1 RUSSELL WASHBURN</p> <p>2 lower, but that original rate had to be negotiated by</p> <p>3 CoreCivic knowing that that amount of money per</p> <p>4 detainee would cover all of CoreCivic's costs and</p> <p>5 provide a profit, right?</p> <p>6 A Yes. We would not have entered into a</p> <p>7 contract without such.</p> <p>8 Q And you know that labor would be the largest</p> <p>9 cost that you would need to cover with that day rate,</p> <p>10 correct?</p> <p>11 A Yes.</p> <p>12 Q And so you would have to make an</p> <p>13 assessment -- CoreCivic would have had to make an</p> <p>14 assessment as to how much their labor costs would be to</p> <p>15 operate the Stewart Detention Center before entering</p> <p>16 into that contract?</p> <p>17 A Yes. Based on the staffing pattern, yes.</p> <p>18 Q Correct. And one component, a large</p> <p>19 component, of that labor cost would be CoreCivic</p> <p>20 employees, right?</p> <p>21 A Yes, that would be the largest. Yes.</p> <p>22 Q And that's because you're paying all the</p> <p>23 CoreCivic employees at least minimum wage, if not more,</p> <p>24 correct?</p> <p>25 A That's correct.</p>	<p style="text-align: right;">Page 45</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q But my question is, did you -- did CoreCivic,</p> <p>3 when it was figuring out its labor costs to negotiate</p> <p>4 that day rate in your original ICE contract, assume</p> <p>5 that every single job would be performed by a CoreCivic</p> <p>6 employee and assess the cost on the basis of that, or</p> <p>7 was there an assumption made that at least some of the</p> <p>8 jobs would be performed by detainees at a much lesser</p> <p>9 wage, the dollar to four dollars a day, than the</p> <p>10 CoreCivic employees were earning?</p> <p>11 MR. LEE: Object to form.</p> <p>12 THE WITNESS: Yeah, again, I don't know</p> <p>13 that I've been privy to specific inmate or</p> <p>14 detainee -- how that impacts the per diem</p> <p>15 rate. To say that we wouldn't have known or</p> <p>16 entered into -- knowing typically what types</p> <p>17 of jobs were performed by inmate or detainee</p> <p>18 labor, I'm sure we would have taken that into</p> <p>19 factor.</p> <p>20 How that specifically impacts the per</p> <p>21 diem rate one way or the other, I don't know</p> <p>22 that I'm capable of saying -- responding to</p> <p>23 that right here and now.</p> <p>24 Q (By Mr. Howard) And you're not able to say</p> <p>25 how many detainee laborers, how many detainee workers,</p>

<p style="text-align: right;">Page 46</p> <p>1 RUSSELL WASHBURN</p> <p>2 and in what jobs CoreCivic assumed would be -- let me</p> <p>3 rephrase that.</p> <p>4 You can't say how many detainee jobs</p> <p>5 CoreCivic -- detain -- I'm having problems this</p> <p>6 morning. I might need another cup of coffee.</p> <p>7 A It's early.</p> <p>8 Q It's not that early here. I don't have that</p> <p>9 excuse.</p> <p>10 You can't say how many jobs CoreCivic assumed</p> <p>11 would be performed by detainees when it negotiated the</p> <p>12 original day rate in the ICE contract?</p> <p>13 MR. LEE: Object to form.</p> <p>14 THE WITNESS: No, I could not because I</p> <p>15 wasn't a part of those discussions, nor do I</p> <p>16 recall reviewing anything as such.</p> <p>17 Q (By Mr. Howard) Is it fair to say that to</p> <p>18 the extent CoreCivic negotiated a day rate based on a</p> <p>19 certain level of labor costs based on jobs being</p> <p>20 performed by paid CoreCivic employees, and then some of</p> <p>21 those jobs that CoreCivic assumed would be performed by</p> <p>22 CoreCivic employees end up getting performed by</p> <p>23 detainees at a dollar to four dollars a day, then</p> <p>24 CoreCivic would be saving money in terms of labor</p> <p>25 costs, correct?</p>	<p style="text-align: right;">Page 47</p> <p>1 RUSSELL WASHBURN</p> <p>2 MR. LEE: Object to form, and really</p> <p>3 getting beyond the scope here of what my</p> <p>4 conversations with Ms. Sandley were about</p> <p>5 what this topic was going to be, that it was</p> <p>6 going to be more about general processes and</p> <p>7 not specific negotiations as to how the</p> <p>8 contract was performed.</p> <p>9 MR. HOWARD: I think this was pretty</p> <p>10 general. But you can answer if you're</p> <p>11 able.</p> <p>12 THE WITNESS: I might need you to</p> <p>13 clarify --</p> <p>14 MR. HOWARD: Sure.</p> <p>15 THE WITNESS: -- what you're asking me.</p> <p>16 MR. HOWARD: Sure.</p> <p>17 Q (By Mr. Howard) So we've established that</p> <p>18 CoreCivic does an assessment of what its labor costs</p> <p>19 are going to be when negotiating the day rate in the</p> <p>20 ICE contract, correct?</p> <p>21 A Correct.</p> <p>22 Q And one of the factors in the assessment of</p> <p>23 labor costs is how many CoreCivic employees that you're</p> <p>24 paying minimum wage or more are going to be hired to</p> <p>25 operate Stewart, correct?</p>
<p style="text-align: right;">Page 48</p> <p>1 RUSSELL WASHBURN</p> <p>2 A That's correct.</p> <p>3 Q And if it ends up, after you negotiate the</p> <p>4 contract and get a price that will cover you for those</p> <p>5 costs, you don't hire as many people at Stewart as</p> <p>6 CoreCivic employees, but you use more detainees for a</p> <p>7 dollar to four dollars a day, then your labor costs are</p> <p>8 lower and you're making more money; is that fair to</p> <p>9 say?</p> <p>10 MR. LEE: Object to form.</p> <p>11 THE WITNESS: No, I don't necessarily</p> <p>12 say that's a hundred percent accurate in that</p> <p>13 statement. And I'll say we have to plan our</p> <p>14 facilities because you cannot -- you can't</p> <p>15 operate a facility with the assumption that</p> <p>16 inmate labor, detainee labor is always going</p> <p>17 to be available.</p> <p>18 You're going to have various incidents,</p> <p>19 in this case COVID, where we've ran virtually</p> <p>20 with limited detainees actually working,</p> <p>21 things that cause the facilities to be locked</p> <p>22 down.</p> <p>23 So you can't go into it with the mindset</p> <p>24 that these are always going to be there</p> <p>25 because they're not a reliable means of</p>	<p style="text-align: right;">Page 49</p> <p>1 RUSSELL WASHBURN</p> <p>2 accomplishing tasks that occur within</p> <p>3 correctional or detention or county jail</p> <p>4 facilities. It has to be able to operate and</p> <p>5 continue to operate with or without inmate or</p> <p>6 detainee labor.</p> <p>7 I don't know if that makes sense or not,</p> <p>8 but...</p> <p>9 Q (By Mr. Howard) Well, I understand what</p> <p>10 you're saying. So are you're telling me that CoreCivic</p> <p>11 has hired enough full-time employees to fully operate</p> <p>12 the Stewart Detention Center facility safely and</p> <p>13 securely, keep it clean, if not a single detainee were</p> <p>14 to participate in the voluntary work program? You</p> <p>15 currently have on staff enough CoreCivic full-time</p> <p>16 employees to do that on an ongoing basis?</p> <p>17 MR. LEE: Object to form.</p> <p>18 THE WITNESS: Yeah, again, I can say for</p> <p>19 specific to Stewart, we've been operating</p> <p>20 that way, primarily since COVID started, with</p> <p>21 a number of cohort quarantine pods,</p> <p>22 inabilities for detainees to physically work</p> <p>23 based on restrictions on the COVID protocols</p> <p>24 and rules. We have primarily been operating</p> <p>25 our facility with no -- limited to no</p>

<p style="text-align: right;">Page 50</p> <p>1 RUSSELL WASHBURN</p> <p>2 detainee labor.</p> <p>3 Q (By Mr. Howard) Well, I want to set aside</p> <p>4 COVID right now because that -- first of all, your</p> <p>5 population was decreased substantially during the COVID</p> <p>6 era, correct?</p> <p>7 A Yeah, my population today is around 1100.</p> <p>8 Q And Stewart has operated during the relevant</p> <p>9 time period here, since 2008, with as many as 1966</p> <p>10 detainees housed there, correct?</p> <p>11 A Yes.</p> <p>12 Q And also meal service has been totally</p> <p>13 different since COVID, correct? There's no common</p> <p>14 dining hall facility?</p> <p>15 A Not exclusively. We at times ran the chow</p> <p>16 hall, and then at times we've not ran the chow hall, so</p> <p>17 I won't say a hundred percent.</p> <p>18 Q And, by the way, the population has been as</p> <p>19 low as 2- to 300 during COVID, correct?</p> <p>20 A That's correct.</p> <p>21 Q So let's talk about the pre-COVID time</p> <p>22 period, the period 2008 through 2019.</p> <p>23 Is it your testimony that CoreCivic engaged</p> <p>24 sufficient full-time CoreCivic employees to fully</p> <p>25 operate Stewart Detention Center in a safe and secure</p>	<p style="text-align: right;">Page 51</p> <p>1 RUSSELL WASHBURN</p> <p>2 and clean fashion if not a single detainee participated</p> <p>3 in the voluntary work program?</p> <p>4 A Yeah, I strongly believe we could operate and</p> <p>5 could have operated our facilities without detainees.</p> <p>6 Again, would it have been as clean as it may have been?</p> <p>7 There may have been some things that we would have</p> <p>8 dropped. But to say that we couldn't operate it, I</p> <p>9 don't know that would be an accurate statement.</p> <p>10 Q For example, there are at various times up to</p> <p>11 170 porters cleaning the facility or detainees?</p> <p>12 MR. LEE: Object to form.</p> <p>13 THE WITNESS: Yes. Primarily cleaning</p> <p>14 within their assigned housing area, yes.</p> <p>15 Q (By Mr. Howard) And 92 kitchen workers,</p> <p>16 correct?</p> <p>17 MR. LEE: Object to form.</p> <p>18 THE WITNESS: Are you asking me to</p> <p>19 confirm that number or --</p> <p>20 MR. HOWARD: Yeah.</p> <p>21 MR. LEE: Object to form.</p> <p>22 THE WITNESS: Again, if you show me a</p> <p>23 document, I would say that that's probably</p> <p>24 close, yes. But, again, to say that that's</p> <p>25 the accurate number, I'd have to look at the</p>
<p style="text-align: right;">Page 52</p> <p>1 RUSSELL WASHBURN</p> <p>2 documents to say that for certain.</p> <p>3 Q (By Mr. Howard) We'll look at documents,</p> <p>4 I'll represent to you, but it would be your testimony</p> <p>5 that if none of those 92 detainees chose to work in the</p> <p>6 voluntary work program and there were no other</p> <p>7 detainees to take those positions, CoreCivic had 92</p> <p>8 staff members available to prepare and serve meals and</p> <p>9 clean and do all the work kitchen workers did?</p> <p>10 MR. LEE: Object to form.</p> <p>11 THE WITNESS: Again, could we perform</p> <p>12 the vital tasks of the day-to-day operations?</p> <p>13 Yes. I think we've proven that again</p> <p>14 currently. But to say that it would be at</p> <p>15 the same level of degree, you know, again</p> <p>16 sanitation-wise and that, I don't know that</p> <p>17 anyone could make that argument.</p> <p>18 Q (By Mr. Howard) By the way, could you just</p> <p>19 briefly tell us, so we have this for the record, your</p> <p>20 employment history at CoreCivic before coming to</p> <p>21 Stewart Detention Center?</p> <p>22 A Yes. You want me to go all the way back from</p> <p>23 when I started?</p> <p>24 Q Yes, please.</p> <p>25 A Okay. It will be a minute. So I started in</p>	<p style="text-align: right;">Page 53</p> <p>1 RUSSELL WASHBURN</p> <p>2 July of 1996, started out as a correctional officer in</p> <p>3 the Hernando County Jail, which was located in central</p> <p>4 Florida. Worked through various ranks while there. I</p> <p>5 was a correctional officer, I was an assistant shift</p> <p>6 supervisor, a lieutenant, a unit manager, a training</p> <p>7 manager.</p> <p>8 From there I transferred -- promotion to</p> <p>9 David L. Moss Criminal Justice Center in Tulsa,</p> <p>10 Oklahoma, where I assumed the role of chief of</p> <p>11 security. From there I did a lateral transfer back to</p> <p>12 Florida, which was Gadsden Correctional Facility in the</p> <p>13 northern part of Florida, again as the chief of</p> <p>14 security. I was there for a period of time, promoted</p> <p>15 to assistant warden at that facility.</p> <p>16 And then I did a lateral transfer back to the</p> <p>17 Hernando County Jail, and then ultimately was promoted</p> <p>18 to warden while at the Hernando County Jail. And then</p> <p>19 I moved to the Citrus County Detention Center in</p> <p>20 Lecanto, Florida, neighboring county, again still with</p> <p>21 CoreCivic, as a warden. Was there for, I guess, about</p> <p>22 six and a half years.</p> <p>23 Did a lateral transfer to Trousdale Turner,</p> <p>24 which is located in Hartsville, Tennessee. And then I</p> <p>25 did a lateral transfer as warden to Stewart Detention</p>

<p style="text-align: right;">Page 54</p> <p>1 RUSSELL WASHBURN</p> <p>2 Center in April of 2020. And I hope I --</p> <p>3 Q And to whom do you report now as warden of</p> <p>4 Stewart Detention Center?</p> <p>5 A Charles Keeton, K-E-E-T-O-N. He is the</p> <p>6 managing director.</p> <p>7 Q Managing director for what?</p> <p>8 A Our Division II.</p> <p>9 Q And what does Division II comprise?</p> <p>10 A I believe there's seven facilities -- or six</p> <p>11 now, six total facilities.</p> <p>12 Q Those are all ICE detention centers?</p> <p>13 A Yes, I do think that some of them are ICE and</p> <p>14 house marshals; and one of them, I know for sure, maybe</p> <p>15 two of them, have a little small county jail attached</p> <p>16 to them as well.</p> <p>17 Q And is Mr. Keeton at the FSC?</p> <p>18 A Yes.</p> <p>19 Q By the way, just to again complete the</p> <p>20 record, what is your educational background? You have</p> <p>21 a background in corrections?</p> <p>22 A Yes. I went through high school, and then I</p> <p>23 went through the accredited academy in the state of</p> <p>24 Florida, so I'm a certified officer in the state of</p> <p>25 Florida. Assumed some college credits through that</p>	<p style="text-align: right;">Page 55</p> <p>1 RUSSELL WASHBURN</p> <p>2 process, but did not go any further, so I do not have a</p> <p>3 current degree.</p> <p>4 Q And did you have employment before</p> <p>5 CoreCivic --</p> <p>6 A I --</p> <p>7 Q -- or was that your first job?</p> <p>8 A No, no, that wasn't my first job. I did</p> <p>9 construction-type work prior to, but that was the days</p> <p>10 that I was in high school, so...</p> <p>11 Q Okay. Don't need to go there.</p> <p>12 A I'm sorry. Full-time outside of high school</p> <p>13 has been CoreCivic, yes, sir.</p> <p>14 Q So you're a career CoreCivic guy?</p> <p>15 A Yes, sir. Working on my 26th year.</p> <p>16 Q Congratulations.</p> <p>17 A Thank you.</p> <p>18 MR. HOWARD: Can we pull up the</p> <p>19 CoreCivic 2020 annual report, please.</p> <p>20 (Discussion off the record.)</p> <p>21 (Exhibit 2 marked for identification.)</p> <p>22 Q (By Mr. Howard) Have you seen the CoreCivic</p> <p>23 2020 annual report?</p> <p>24 A Yes, I have.</p> <p>25 Q Let's go to page 21, if we can. At the</p>
<p style="text-align: right;">Page 56</p> <p>1 RUSSELL WASHBURN</p> <p>2 bottom of page 21, there's a reference to Stewart</p> <p>3 Detention Center.</p> <p>4 A Yes, sir, I see it.</p> <p>5 Q ICE as a primary customer?</p> <p>6 A Yes, sir.</p> <p>7 Q And the term of the contract is indefinite;</p> <p>8 do you see that?</p> <p>9 A Yes.</p> <p>10 Q Does that give you an indication of the</p> <p>11 process by which the ICE contract with Stewart was</p> <p>12 awarded? It wasn't necessarily a bid process?</p> <p>13 MR. LEE: Object to form.</p> <p>14 Q (By Mr. Howard) Or do you know?</p> <p>15 A I don't know or else I don't understand your</p> <p>16 question.</p> <p>17 Q Well, the fact that there's no set term that</p> <p>18 the contract expires, is that consistent with a certain</p> <p>19 type of contracting process with CoreCivic facilities</p> <p>20 with ICE?</p> <p>21 MR. LEE: Object to form and beyond the</p> <p>22 scope.</p> <p>23 THE WITNESS: I think I understood your</p> <p>24 question, the first to say would that negate</p> <p>25 the bidding process?</p>	<p style="text-align: right;">Page 57</p> <p>1 RUSSELL WASHBURN</p> <p>2 MR. HOWARD: Right.</p> <p>3 THE WITNESS: Not to my knowledge, it</p> <p>4 would not.</p> <p>5 Q (By Mr. Howard) Under the category "Design</p> <p>6 Capacity," you see it says 1,752?</p> <p>7 A Yes.</p> <p>8 Q What is that a reference to?</p> <p>9 A That's the contract that staffing -- staffing</p> <p>10 levels.</p> <p>11 Q What do you mean by that?</p> <p>12 A It's not the total number of beds that we</p> <p>13 have at the facility. That's the number that, in this</p> <p>14 case, ICE, the partner, has communicated that their</p> <p>15 desire is to potentially utilize up to seventeen</p> <p>16 fifty-two -- one thousand seven hundred and fifty-two</p> <p>17 beds.</p> <p>18 Q And that's set to your staffing levels?</p> <p>19 A Yes, it would. I mean, that would drive how</p> <p>20 we would staff the facility, yes.</p> <p>21 Q And if the population goes above 1752, do you</p> <p>22 hire additional staff?</p> <p>23 A We would evaluate that, yes, to determine if</p> <p>24 there's a need for additional staff, yes.</p> <p>25 Q And if you evaluate and determine there's a</p>

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2 need for additional staff, does that then require you

3 to go back to ICE to get approval for that?

4 A Yes, because we would also negotiate that

5 per diem rate adjustment to -- for the additional staff

6 that were necessary based on the number that they're

7 now asking us to potentially house.

8 Q Are you aware that that's happened over time?

9 A Yes.

10 Q So when -- we were talking earlier about a

11 negotiation of the day rate, per diem rate. And

12 CoreCivic makes an assessment of its costs, including

13 its labor costs, and that assessment is based on the

14 notion of the costs associated with housing 1752

15 people?

16 A Yes. I'm sorry, I thought you had more to

17 the question. I apologize.

18 Q No, I'm stopping there.

19 And then to the extent that ICE says, "We

20 want you to house more than 1752 people," then you have

21 to make an evaluation if your labor costs are going to

22 go up, and then you could appeal to ICE to increase the

23 day rate, correct?

24 MR. LEE: Object to form.

25 THE WITNESS: That is correct. But if I

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2 Q So the higher the number of detainees you're

3 housing, the more money ICE pays you, correct?

4 A Yes. Again, if it requires a staffing

5 element change, it's going to have additional cost to

6 us, yes.

7 Q Well, certainly you're familiar with the

8 difference between fixed costs and variable costs,

9 correct?

10 A I am, yes, sir.

11 Q And fixed costs are costs that don't change

12 no matter how many people you're housing now?

13 A Correct.

14 Q And variable costs are costs that vary

15 depending upon how many people you're housing, correct?

16 A That's correct.

17 Q And you're saying that to some extent,

18 staffing can be variable in that if that cost increases

19 because you have to add staff because you're housing

20 more people, then you can go to ICE to get a higher

21 rate to cover that increased cost, correct?

22 A Yes, sir.

23 Q To the extent you have fixed costs that do

24 not increase no matter how many people you house there,

25 then housing more people will put more money to

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2 could clarify briefly, and if I'm going too

3 far, you just tell me. We're actually --

4 1600 is the contracted staffing amount that's

5 currently there. Although we have our --

6 there's two separate staffing patterns that

7 are established. There's a 1600-bed, which

8 is what we're currently contracted with ICE,

9 is a guarantee of 1600, and then -- but we

10 operate off of the staffing pattern of 1,752,

11 which is more staff, although that's not

12 currently what we're -- that's not in the per

13 diem rate. So we actually are hiring more

14 staff than what we're actually being paid

15 for. I hope that makes sense.

16 MR. HOWARD: It does. I'm going to get

17 to the modification and the minimum in a

18 moment.

19 THE WITNESS: Okay.

20 Q (By Mr. Howard) But the notion here, though,

21 is since you're paid a per diem rate, that -- and,

22 again, just for the record, that means you're paid by

23 ICE a certain amount of money for each detainee for

24 each day the detainee is housed at Stewart, correct?

25 A Yes, sir, that is correct.

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2 CoreCivic's bottom line, correct?

3 A Can you give me an example of what you're

4 classifying as a fixed cost?

5 Q Well, you tell me. What are the fixed costs?

6 You're the warden there. Tell me what are your fixed

7 costs.

8 A Well, again, there's not too many things that

9 would qualify when you talk about adding more people.

10 Virtually, a lot of things are going to shift. You're

11 going to have additional food costs, you're going to

12 have additional clothing costs, you're going to have

13 higher utility usage. Quite frankly, there's going to

14 be very limited items that would say it's a fixed cost.

15 Just as -- an example I can give to you is

16 that we have a -- we have railboxes that we have on

17 site for storage of records, and we know what that cost

18 is going to be every single month. That wouldn't

19 really change. And, again, that could because, again,

20 you could produce more records and now we need more

21 space to place, you know, additional records.

22 So I would say that there's more variable

23 costs, and all costs are going to go up as you increase

24 your population.

25 Q But there are fixed costs. For example,

<p style="text-align: right;">Page 62</p> <p>1 RUSSELL WASHBURN</p> <p>2 you're a fixed cost?</p> <p>3 A Yes.</p> <p>4 Q Stewart only needs one warden whether you</p> <p>5 have two detainees there or 2,000, correct?</p> <p>6 A That's correct, yes.</p> <p>7 Q So your salary is a fixed cost. And I assume</p> <p>8 there are other people in the management structure at</p> <p>9 Stewart who you would characterize the same way,</p> <p>10 correct?</p> <p>11 A Yes. I think we have currently 30 or 32</p> <p>12 staff members that would be an exempt employee or</p> <p>13 classified as an exempt employee.</p> <p>14 Q And how many nonexempt employees do you have?</p> <p>15 A Today -- are you asking about staffing</p> <p>16 pattern or what we physically have?</p> <p>17 Q Well, physically have today.</p> <p>18 A Nonexempt -- and, again, I can't give you an</p> <p>19 exact number, but we're in that 350 to 360 -- somewhere</p> <p>20 between 350 and 360 mark outside -- that are hourly.</p> <p>21 Q So that's the thing, the nonexempt are</p> <p>22 hourly, the exempt are salary?</p> <p>23 A That's correct, yes, sir.</p> <p>24 Q Okay. And how does that 350 to 360 vary from</p> <p>25 the staffing plan?</p>	<p style="text-align: right;">Page 63</p> <p>1 RUSSELL WASHBURN</p> <p>2 A The budget of staffing pattern is -- I don't</p> <p>3 know if you have a staffing pattern you could pull up</p> <p>4 or not, but my memory, I believe it's 430, 435. Again,</p> <p>5 without looking at the exact document, I believe that's</p> <p>6 right.</p> <p>7 Q And that 430 to 435 is based on housing how</p> <p>8 many residents?</p> <p>9 A 1600.</p> <p>10 Q And when -- at times when the population has</p> <p>11 been higher than 1600, has CoreCivic employed more than</p> <p>12 430 nonexempt hourly workers?</p> <p>13 A I would have to review their records at that</p> <p>14 time. It has not been over that since I've been here,</p> <p>15 so I'd have to go back and review those individual</p> <p>16 records for that period.</p> <p>17 Q Okay. Do you know what the highest number of</p> <p>18 detainees at any one time has been at Stewart?</p> <p>19 A I do not. I heard -- I mean, I heard you</p> <p>20 reference 1966, I think, earlier, but outside of that,</p> <p>21 no.</p> <p>22 Q Do you know what the average number of</p> <p>23 detainees held at Stewart was in 2019, the year before</p> <p>24 the pandemic?</p> <p>25 A I do not.</p>
<p style="text-align: right;">Page 64</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Do you know the maximum number of detainees</p> <p>3 held at Stewart in 2019?</p> <p>4 A You're asking me for design capacity or --</p> <p>5 Q No, just the actual physical number.</p> <p>6 A Oh. No, sir, I do not.</p> <p>7 Q Now, you mentioned the 1600 minimum. When</p> <p>8 did that go into effect?</p> <p>9 A It was before my time. Again, I'd have to go</p> <p>10 back to look at the records to see when that</p> <p>11 modification or when that change occurred to give you a</p> <p>12 specific date or time frame.</p> <p>13 MR. HOWARD: Let's pull that up, then.</p> <p>14 Let's look at -- so February 2016</p> <p>15 modification. For the record, this is</p> <p>16 CCBVA439.</p> <p>17 (Exhibit 3 marked for identification.)</p> <p>18 MR. HOWARD: So we've marked for the</p> <p>19 record as Exhibit No. 3 a modification of</p> <p>20 contract effective February 4th, 2016.</p> <p>21 Q (By Mr. Howard) Is this one of the documents</p> <p>22 you reviewed in preparation for the deposition?</p> <p>23 A I believe so, yes, sir.</p> <p>24 MR. HOWARD: If we scroll down -- stop</p> <p>25 there.</p>	<p style="text-align: right;">Page 65</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q (By Mr. Howard) You see down -- the item</p> <p>3 number 0006, "Detention Guard Services, Tier 1,</p> <p>4 Guaranteed Minimum, Beds 1 through 1600." Do you know</p> <p>5 whether, prior to this modification, there was a</p> <p>6 guaranteed minimum by ICE in the contract with</p> <p>7 CoreCivic for Stewart?</p> <p>8 A I do not know. Without going through each</p> <p>9 one of the different modifications, I do not know.</p> <p>10 Q Well, I'd be interested to know -- I'm not</p> <p>11 sure if you'll be able to answer this either, is --</p> <p>12 let's take a step back.</p> <p>13 You understand that a guaranteed minimum</p> <p>14 means that even if the population falls below 1600,</p> <p>15 CoreCivic will be paid by ICE as if 1600 detainees were</p> <p>16 housed at Stewart, correct?</p> <p>17 A That's correct.</p> <p>18 Q And they would be paid the day rate of</p> <p>19 \$62.48, less \$1 per detainee for Stewart County, for</p> <p>20 1600 detainees even if there were only 2- or 300</p> <p>21 detainees, correct?</p> <p>22 A That's correct.</p> <p>23 Q And that's a good thing for CoreCivic, right,</p> <p>24 that -- because in times like you've been going through</p> <p>25 where you've got, you know, only 1100 detainees now and</p>

<p style="text-align: right;">Page 66</p> <p>1 RUSSELL WASHBURN</p> <p>2 have had as low as 2- to 300, to continue to get paid</p> <p>3 as if you have 1600 detainees there, that's a pretty</p> <p>4 good deal for CoreCivic, right?</p> <p>5 MR. LEE: Object to form.</p> <p>6 THE WITNESS: Yeah, I mean, certainly it</p> <p>7 is good for that component of. I will tell</p> <p>8 you more often than not, specifically with</p> <p>9 COVID, we're operating as if all the units</p> <p>10 are open anyway, with the amount of cohorts</p> <p>11 and things of that nature that take place.</p> <p>12 So I don't know that there was any</p> <p>13 savings specifically in, like, staffing and</p> <p>14 things of that nature because we were</p> <p>15 still -- and still today even, below the</p> <p>16 1100, we're operating virtually every housing</p> <p>17 unit and every pod as if all those beds were</p> <p>18 filled.</p> <p>19 Q (By Mr. Howard) Well, you told me that the</p> <p>20 nonexempt hourly rates dropped from 430, which is what you</p> <p>21 would have if you had 1600 people, down to 350 or 360,</p> <p>22 so that's 70 employees less that you don't have to pay,</p> <p>23 right?</p> <p>24 A Yeah, that one --</p> <p>25 MR. LEE: Object to form.</p>	<p style="text-align: right;">Page 67</p> <p>1 RUSSELL WASHBURN</p> <p>2 THE WITNESS: I'm sorry.</p> <p>3 That's not -- that reduction didn't</p> <p>4 occur because of the reduction in population.</p> <p>5 CoreCivic and Stewart Detention are not</p> <p>6 unique in the labor market of today. We're</p> <p>7 still and have been and continue to actively</p> <p>8 recruit to fill every one of those positions,</p> <p>9 and we'll fill every one of those positions</p> <p>10 regardless as to whether or not we have 200</p> <p>11 or 1900.</p> <p>12 Q (By Mr. Howard) And you've got -- you've</p> <p>13 told me about all the other variable costs before, like</p> <p>14 food. If you only have to feed 2- to 300 detainees, it</p> <p>15 costs you less than feeding 1600, or do you buy food</p> <p>16 for 1600 and not use it?</p> <p>17 A No.</p> <p>18 MR. LEE: Object to form.</p> <p>19 THE WITNESS: I'm sorry.</p> <p>20 No, we would not buy food just to throw</p> <p>21 it away and be a waste of that, no.</p> <p>22 Q (By Mr. Howard) So that's one of the</p> <p>23 variable costs that has gone down with the population</p> <p>24 being reduced while you still get paid the minimum</p> <p>25 amount, correct?</p>
<p style="text-align: right;">Page 68</p> <p>1 RUSSELL WASHBURN</p> <p>2 A There's a food cost that goes down, but we</p> <p>3 actually have a contract with a third party to provide</p> <p>4 our services, so there's -- actually, if you look at my</p> <p>5 budget today, I'm -- even then, I was paying higher</p> <p>6 because the rate for the contractor, we still have to</p> <p>7 make them whole, so we actually pay more per meal per</p> <p>8 day per detainee when we have a lower number.</p> <p>9 Q But as a total cost, are you paying more to</p> <p>10 Trinity now for food than you were paying when you had</p> <p>11 1600 detainees or less?</p> <p>12 A Again, since I've been here, we haven't have</p> <p>13 had 1600, but I can tell you that I'm paying more</p> <p>14 today, and even back when I had 3- and 400, than when I</p> <p>15 had a thousand.</p> <p>16 Q Do you know whether you're paying more since</p> <p>17 you've been there to Trinity than your predecessors</p> <p>18 were paying when there were 1600 detainees or more</p> <p>19 housed at Stewart?</p> <p>20 MR. LEE: Object to form. Exceeds the</p> <p>21 scope.</p> <p>22 THE WITNESS: I can't answer. Without</p> <p>23 looking at their financial records at the</p> <p>24 time that they were here, I can't answer</p> <p>25 that.</p>	<p style="text-align: right;">Page 69</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q (By Mr. Howard) To the extent that this 1600</p> <p>3 minimum was new to the contract in 2016 and gave</p> <p>4 CoreCivic a benefit, do you know what, if anything,</p> <p>5 CoreCivic gave as a concession to ICE in order to get</p> <p>6 that minimum?</p> <p>7 A Yes. I think if you scroll past -- I think</p> <p>8 it's probably 0005. I think that was also in</p> <p>9 conjunction with the renovation and the 30,000 square</p> <p>10 feet of module office space for ICE staff that was put</p> <p>11 in place at that time. That was part of that</p> <p>12 discussion and that negotiation.</p> <p>13 Q So you would put in the square foot -- 30,000</p> <p>14 square feet of modular space for ICE staff in return</p> <p>15 for the minimum?</p> <p>16 A Yes. And then it, of course, talks about the</p> <p>17 total facility capacity of 1966 beds. So the</p> <p>18 information that's contained within there would have</p> <p>19 all been factored into that per diem rate adjustment.</p> <p>20 Q Okay. We're going to get to the per diem</p> <p>21 rate adjustment --</p> <p>22 A I'm sorry.</p> <p>23 Q -- in the next sentence, but I'm asking</p> <p>24 specifically to the extent the minimum was something</p> <p>25 new and provided kind of a new benefit, not just</p>

<p style="text-align: right;">Page 70</p> <p>1 RUSSELL WASHBURN</p> <p>2 increase of the per diem rate, but actually setting a</p> <p>3 floor, minimum guarantee to CoreCivic, what you gave in</p> <p>4 return for that, and you pointed to the modular space</p> <p>5 you built for ICE. Is there anything else?</p> <p>6 A Again, all the items that are listed there</p> <p>7 where it says "Provider providing the following" and</p> <p>8 each one of those items listed there in this exhibit.</p> <p>9 Q So the recreational upgrades of new fencing,</p> <p>10 existing sidewalk, the basketball courts, and two new</p> <p>11 inmate toilets and new recreation yard lighting, that's</p> <p>12 what you gave to ICE in return for the minimum?</p> <p>13 A Yes. Based off of this document here, yes.</p> <p>14 Q Anything else?</p> <p>15 A Nothing that I would be aware of.</p> <p>16 Q Now, going down again to the 1600 minimum, I</p> <p>17 mentioned it before, but I just want to confirm it's</p> <p>18 correct, the bed day rate of 62.48 is what ICE pays in</p> <p>19 total and from which Stewart County takes its cut,</p> <p>20 correct?</p> <p>21 A Yes.</p> <p>22 Q And as of 2016, was Stewart County's cut \$1</p> <p>23 per detainee?</p> <p>24 A I don't believe it was a dollar at that time.</p> <p>25 I think it was less than. 85 cents, I believe, if</p>	<p style="text-align: right;">Page 71</p> <p>1 RUSSELL WASHBURN</p> <p>2 memory serves me correct from the records I reviewed,</p> <p>3 might have been accurate at that particular time.</p> <p>4 Q All right, so the balance of roughly, you</p> <p>5 know, \$61.70 or so, that would go to CoreCivic,</p> <p>6 correct?</p> <p>7 A Yes.</p> <p>8 Q And did the funds flow through Stewart</p> <p>9 County, like ICE would pay Stewart County, they would</p> <p>10 take their share and then pass along the bulk of the</p> <p>11 money to CoreCivic?</p> <p>12 A Yes, it would go through as -- they're the</p> <p>13 primary contractor with ICE, so it would go to -- I</p> <p>14 believe that's been the relationship since day one of</p> <p>15 operation.</p> <p>16 Q The invoices go directly from CoreCivic to</p> <p>17 ICE, though, correct?</p> <p>18 A That's correct.</p> <p>19 Q Now, today the Stewart County cut is a</p> <p>20 dollar; is that right?</p> <p>21 A Yes, sir.</p> <p>22 Q All right. So I did some math based on a</p> <p>23 dollar coming out. So let's just use that, because</p> <p>24 it's more conservative, and say that according to the</p> <p>25 modification here in Exhibit 3, that CoreCivic receives</p>
<p style="text-align: right;">Page 72</p> <p>1 RUSSELL WASHBURN</p> <p>2 a minimum of \$61.48 for 1600 detainees even if the</p> <p>3 number of detainees at Stewart is less than that. Is</p> <p>4 that a correct starting point for the math?</p> <p>5 A That's correct.</p> <p>6 Q So if I were to multiply 1600 times \$61.48, I</p> <p>7 get \$98,368. Is that the amount that CoreCivic has</p> <p>8 been receiving as a daily minimum from ICE during your</p> <p>9 tenure as warden?</p> <p>10 A I'll trust your math and say yes.</p> <p>11 Q And if you trust my math again, multiplying</p> <p>12 that by 365 -- I didn't even put in the leap year day</p> <p>13 in your first year of 2020 -- that comes out to</p> <p>14 \$35,904,320 per year.</p> <p>15 So in the first 12 months that you were</p> <p>16 warden, did CoreCivic receive close to \$36 million from</p> <p>17 ICE for its regularly housed detainees?</p> <p>18 A Are you asking me for 2016 or for 2020?</p> <p>19 Q No, no, no. 2020, because the -- well,</p> <p>20 actually the day rate went up. I'm sorry, you're</p> <p>21 right. So in 2016, would that have been the correct</p> <p>22 math calculation to do?</p> <p>23 A Yes. Based on the math, yes.</p> <p>24 Q Okay. Now, this modification also set forth</p> <p>25 a tiered rate. So there's a Tier 2, where if you go</p>	<p style="text-align: right;">Page 73</p> <p>1 RUSSELL WASHBURN</p> <p>2 above the guaranteed minimum, the day rate comes down</p> <p>3 to 61.85 for beds 1601 to 1750, correct?</p> <p>4 A That's correct.</p> <p>5 Q And then on the next page, I think you'll see</p> <p>6 a third tier, which is if you go from 1751 up to 1956,</p> <p>7 it's \$40 a day, correct?</p> <p>8 A That's correct.</p> <p>9 Q Do you know how all that was negotiated in</p> <p>10 terms of determining fixed costs and variable costs and</p> <p>11 what the cost to CoreCivic would be, for example, for</p> <p>12 increasing to above 1750 detainees?</p> <p>13 MR. LEE: Object to form. Beyond the</p> <p>14 scope.</p> <p>15 THE WITNESS: I mean, I was not directly</p> <p>16 involved, obviously, with these discussions</p> <p>17 during that period of time, but much of what</p> <p>18 we already talked about would have been</p> <p>19 factored in, meaning what are the variable</p> <p>20 things that could see a potential increase,</p> <p>21 what would that increase look like, and where</p> <p>22 would that per diem need to be in order to</p> <p>23 make it appropriate for us to enter into that</p> <p>24 contract.</p> <p>25 Q (By Mr. Howard) And as we talked about,</p>

<p style="text-align: right;">Page 74</p> <p>1 RUSSELL WASHBURN</p> <p>2 CoreCivic would not enter into a contract with</p> <p>3 financial terms where you would lose money or break</p> <p>4 even, correct?</p> <p>5 A Not that I'm aware of, no.</p> <p>6 Q And what I'd like to know is -- scrolling</p> <p>7 back -- for the Tier 2, for beds 1601 to 1750, at that</p> <p>8 bed day rate of 61.85 or net \$61, what is the profit</p> <p>9 margin to CoreCivic from that bed rate?</p> <p>10 A At that time -- I don't know what it would</p> <p>11 have been at that particular period of time.</p> <p>12 Q All right, so we'll get to the rates that are</p> <p>13 in effect now, and I'll be asking the same question.</p> <p>14 Same thing, for the \$40 rate, that tier, do</p> <p>15 you know what the profit margin is there?</p> <p>16 A Yes. I think it averages about 28 percent.</p> <p>17 Q That \$40 rate for beds 1751 and above is</p> <p>18 still in effect today, correct?</p> <p>19 A Yes.</p> <p>20 Q And you're telling me that at that \$40 rate,</p> <p>21 which is net \$39 per detainee per day to CoreCivic, you</p> <p>22 have a 28 percent profit margin?</p> <p>23 A Again, I have not been to that number, just</p> <p>24 by budget projections, which is established on that</p> <p>25 1600. So I'd have to get the budget sheet and then</p>	<p style="text-align: right;">Page 75</p> <p>1 RUSSELL WASHBURN</p> <p>2 look at those numbers and how they would adjust. I can</p> <p>3 only answer for what the current budget has in place.</p> <p>4 Q Okay. And it would be 28 percent profit</p> <p>5 margin?</p> <p>6 A I believe that's what we're averaging, yes.</p> <p>7 MR. HOWARD: Well, let's take a look at</p> <p>8 the current modification so we can talk in</p> <p>9 terms of the current numbers. And if we</p> <p>10 could pull up STEW0050, the September 2020</p> <p>11 modification.</p> <p>12 THE WITNESS: And I don't need it now,</p> <p>13 but maybe in the next 15 minutes or so for a</p> <p>14 restroom break.</p> <p>15 MR. HOWARD: Why don't we do it now</p> <p>16 while she's pulling up the document.</p> <p>17 THE WITNESS: I'm good. I just don't</p> <p>18 want to interrupt the train of thought, so...</p> <p>19 (Exhibit 4 marked for identification.)</p> <p>20 Q (By Mr. Howard) All right, so I'm showing</p> <p>21 you now Exhibit 4. This is another modification of the</p> <p>22 ICE contract. And, again, the date of this is -- I'm</p> <p>23 sorry, it's not -- up there -- we can scroll down. I</p> <p>24 believe it's September 25th, 2020. Yeah, that's the</p> <p>25 date it was signed by Joseph Williams. By the way, do</p>
<p style="text-align: right;">Page 76</p> <p>1 RUSSELL WASHBURN</p> <p>2 you know who Joseph Williams is?</p> <p>3 A I believe he's with the commission here in</p> <p>4 Stewart County.</p> <p>5 Q Okay. And if we scroll down, this talks</p> <p>6 about annual cost impacts, namely the increase in wages</p> <p>7 and benefits due to new wage determination for</p> <p>8 nonmedical personnel, and that's led to a day rate</p> <p>9 increase under the contract with ICE?</p> <p>10 A Yes, sir.</p> <p>11 Q So this goes back to what we were talking</p> <p>12 about before, that if wages go up or staff needs go up,</p> <p>13 then you can apply to get those costs covered by an</p> <p>14 increase in the day wage -- day rate?</p> <p>15 A When you say "apply," that's actually just an</p> <p>16 automatic process because the federal government, when</p> <p>17 they adjust -- they're the ones who adjust the -- and</p> <p>18 determine the appropriate wage determination. So</p> <p>19 it's -- we don't request for it or apply for it. It's</p> <p>20 an automatic process that's built in.</p> <p>21 Q Understood. So it's a little bit different</p> <p>22 when it works because you're getting a higher day rate</p> <p>23 because of wages increased to the current staff you</p> <p>24 already have versus having to hire more staff?</p> <p>25 A Correct.</p>	<p style="text-align: right;">Page 77</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Now, are there any expenses that CoreCivic</p> <p>3 incurs operating Stewart that are compensated by the</p> <p>4 government separate from the day rate? Now -- and I'm</p> <p>5 not talking about the transportation and some of those</p> <p>6 line items we'll look at in the billing statement, but</p> <p>7 I'm talking about if you have a capital improvement you</p> <p>8 need to make or there's some other kind of expense</p> <p>9 affecting the operation of Stewart. Is that something</p> <p>10 that you can get compensated by ICE, or is everything</p> <p>11 through day rate?</p> <p>12 A No, I think -- I believe it would go through</p> <p>13 day rate. For example, if they were to ask us to</p> <p>14 construct a new section for a purpose for them, then we</p> <p>15 would negotiate the per diem rate and it would be</p> <p>16 covered through that particular element. I do believe</p> <p>17 they do have an mechanism to where they can pay</p> <p>18 directly. I believe they utilize that -- again, this</p> <p>19 was before my time, so I'd have to research for</p> <p>20 accuracy, but I do believe they paid for the</p> <p>21 construction of the courtrooms that were specifically</p> <p>22 for the ICE and federal judges.</p> <p>23 Q So here, if we look down, No. 3 -- I'm going</p> <p>24 to come back to No. 2 -- actually, I'm sorry. Go back</p> <p>25 up to the top. I guess it's -- so the bed day rate has</p>

<p style="text-align: right;">Page 78</p> <p>1 RUSSELL WASHBURN</p> <p>2 now been increased based on the wage increases to</p> <p>3 67.84. That was what you referred to before as the</p> <p>4 current Tier 1 bed day rate?</p> <p>5 A That's correct, yes, sir.</p> <p>6 Q And so that 67.84 is for the first 1600.</p> <p>7 That applies to the minimum, correct?</p> <p>8 A That is correct.</p> <p>9 Q So the net to CoreCivic is 66.84, correct?</p> <p>10 A That's correct.</p> <p>11 Q And CoreCivic currently receives from ICE</p> <p>12 through Stewart County \$66.84 for 1600 detainees, even</p> <p>13 though since you've been there you've housed as few as</p> <p>14 200 to 300?</p> <p>15 A That's correct.</p> <p>16 Q And doing my math again -- I used the same</p> <p>17 calculator, so if you'll assume it's working correctly</p> <p>18 again -- 66.84 times 1600 is \$106,944 per day.</p> <p>19 Is that consistent with your general</p> <p>20 understanding of how much ICE is paying CoreCivic for</p> <p>21 the minimum guarantee, 1600 detainees?</p> <p>22 A Yes, sir. That would be the math formula,</p> <p>23 yes.</p> <p>24 Q And that comes out to over \$39 million per</p> <p>25 year guaranteed minimum from ICE to Stewart?</p>	<p style="text-align: right;">Page 79</p> <p>1 RUSSELL WASHBURN</p> <p>2 A Yes, sir. Yes, with your math, that would be</p> <p>3 right.</p> <p>4 Q And CoreCivic has received at least this</p> <p>5 amount every day since you've been warden from ICE?</p> <p>6 A Can you clarify the amount you're saying</p> <p>7 every day?</p> <p>8 Q That 106,944.</p> <p>9 A Yes.</p> <p>10 MR. LEE: Object to form.</p> <p>11 THE WITNESS: I'm sorry.</p> <p>12 Q (By Mr. Howard) Now, I think you told me</p> <p>13 it's never been above 1600 since you've been there?</p> <p>14 A It has not.</p> <p>15 Q But if it were to go above 1600, then</p> <p>16 would -- what would be the tier -- like between 1601</p> <p>17 and 1750, would the Tier 2 rate still be the same rate</p> <p>18 as the prior modification we looked at from 2016?</p> <p>19 A Unless there was a change in the agreement,</p> <p>20 then yes. Now, if there's a change that would adjust</p> <p>21 those, then obviously it would be that particular rate.</p> <p>22 I don't recall ever seeing a change that would change</p> <p>23 those different tier level rates.</p> <p>24 Q Okay, so -- and the \$40 rate above 1750, you</p> <p>25 believe is still in effect?</p>
<p style="text-align: right;">Page 80</p> <p>1 RUSSELL WASHBURN</p> <p>2 A It would be in effect unless there was a</p> <p>3 contract modification to that agreement.</p> <p>4 Q And so if there were to come a day when there</p> <p>5 would be more than 1600 detainees, in the math, would</p> <p>6 you just be adding the number of additional detainees</p> <p>7 times the applicable day rate for their tier?</p> <p>8 A Yes, sir.</p> <p>9 Q And I believe you said that currently there's</p> <p>10 a 28 percent profit margin. Which of the three rates</p> <p>11 does that 28 percent margin apply to, or is that a</p> <p>12 blended total margin?</p> <p>13 A No. The budgets are built on that 1600, so</p> <p>14 it would be at that 1600.</p> <p>15 Q And do you know whether -- in periods before</p> <p>16 you arrived at Stewart and Stewart was housing more</p> <p>17 than 1600 detainees, whether the profit margins would</p> <p>18 increase or decrease with the additional detainees?</p> <p>19 MR. LEE: Object to form.</p> <p>20 THE WITNESS: Without reviewing those</p> <p>21 financial records for that period, I don't</p> <p>22 know that I could answer that.</p> <p>23 Q (By Mr. Howard) Looking at No. 2 on</p> <p>24 Exhibit -- I guess it's Exhibit 4, the 2020</p> <p>25 modification, there's a discussion of increases in</p>	<p style="text-align: right;">Page 81</p> <p>1 RUSSELL WASHBURN</p> <p>2 wages for medical service personnel leading to an</p> <p>3 increase in the day rate for medical services. What is</p> <p>4 the medical services per diem?</p> <p>5 A Well, it's 22.26 per inmate per day, based on</p> <p>6 this modification.</p> <p>7 Q Understood. And this is in addition to the</p> <p>8 67.84 guaranteed minimum for 1600?</p> <p>9 A That's correct.</p> <p>10 Q And how is this determined? Like, this day</p> <p>11 rate applies to whom?</p> <p>12 A I don't know that I understand the question.</p> <p>13 Q So the 67.84 applies to how many detainees</p> <p>14 you have housed in Stewart with a guaranteed minimum of</p> <p>15 1600. In addition, you're getting paid a 22.26 per</p> <p>16 diem rate times something. What is that something?</p> <p>17 A It would be the same. That 67.84 is all the</p> <p>18 costs for that 1600 minus medical. The 22.26 is your</p> <p>19 specific medical cost per inmate per day, so the same</p> <p>20 math would apply.</p> <p>21 Q So the 22.26 is in addition to the 67.84?</p> <p>22 A That's correct.</p> <p>23 Q So this 22.26, does that also apply to a 1600</p> <p>24 minimum?</p> <p>25 A Yes, I believe it does.</p>

<p style="text-align: right;">Page 82</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q When did CoreCivic -- well, did ICE always</p> <p>3 pay a medical service per diem on top of the regular</p> <p>4 day rate from the time this contract was entered into?</p> <p>5 A I would say no because ICE actually -- IHSC</p> <p>6 operated their medical department. CoreCivic did not</p> <p>7 operate. I believe that transition occurred in 2018.</p> <p>8 So it would have been somewhere around that time frame,</p> <p>9 I would suspect. Again, I can't tell you the</p> <p>10 relationship between IHSC -- they wouldn't have paid it</p> <p>11 to us because we were not providing medical services.</p> <p>12 Q And when did CoreCivic first start providing</p> <p>13 the medical services at Stewart?</p> <p>14 MR. LEE: Object to form.</p> <p>15 THE WITNESS: Prior to my time, but I</p> <p>16 believe it was 2018. November of 2018, I</p> <p>17 believe is accurate, but I'd have to go back</p> <p>18 and look at the records to confirm.</p> <p>19 Q (By Mr. Howard) Now, this additional day</p> <p>20 rate for the provision of medical services, does that</p> <p>21 also include a profit margin?</p> <p>22 MR. LEE: Object to form.</p> <p>23 THE WITNESS: I would assume yes; but,</p> <p>24 again, that would be an assumption. I'd have</p> <p>25 to go back and look at the records.</p>	<p style="text-align: right;">Page 83</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q (By Mr. Howard) Okay, your assumption is,</p> <p>3 again, like the regular day rate, that day rate would</p> <p>4 be negotiated in a way so CoreCivic would not lose</p> <p>5 money or break even, but would make money on providing</p> <p>6 medical services for the detainees, correct?</p> <p>7 A Correct.</p> <p>8 Q And if my math is right, \$22.26 -- by the</p> <p>9 way, does Stewart get a dollar out of this 22.26, or</p> <p>10 does that all come to CoreCivic?</p> <p>11 A I believe that -- all through to CoreCivic.</p> <p>12 Q And that 22.26 times a 1600 minimum means</p> <p>13 \$35,616 per day in addition to the 106,944 per day to</p> <p>14 CoreCivic under the regular day rate, correct?</p> <p>15 A Yes, sir. Using your math, yes, sir.</p> <p>16 Q Okay. And for a year, I have it come out to</p> <p>17 \$12,999,840. Is that roughly consistent with your</p> <p>18 understanding how much you're being paid for the</p> <p>19 medical per diem per year by ICE?</p> <p>20 A Yes, sir, I would say that's -- again, using</p> <p>21 the basic form of the math, yes.</p> <p>22 Q All right. And if you add that figure to the</p> <p>23 \$39,034,560 for the minimum ICE payments for the day</p> <p>24 rate, you get a total of 52,034,400 per year.</p> <p>25 Is that consistent with your understanding of</p>
<p style="text-align: right;">Page 84</p> <p>1 RUSSELL WASHBURN</p> <p>2 what ICE is paying CoreCivic for the regular day rate</p> <p>3 plus the medical services day rate per year for</p> <p>4 operation of the Stewart Detention Center?</p> <p>5 A Yes.</p> <p>6 Q And if you apply a profit margin of 28</p> <p>7 percent to that figure, you get a profit that CoreCivic</p> <p>8 is earning at Stewart Detention Center of fourteen</p> <p>9 million five hundred sixty-nine dollars and six hundred</p> <p>10 and thirty-two cents per year.</p> <p>11 Is that consistent with your understanding of</p> <p>12 the profits being earned by CoreCivic at Stewart</p> <p>13 Detention Center currently?</p> <p>14 A Yes. That would be within the range, yes.</p> <p>15 MR. HOWARD: Okay, we can take a break.</p> <p>16 Thank you.</p> <p>17 (Recess taken.)</p> <p>18 Q (By Mr. Howard) Mr. Washburn, I just want to</p> <p>19 follow up on one series of questions from earlier this</p> <p>20 morning. My colleague, Ms. Sandley, is going to cover</p> <p>21 the topic of discipline with you in more detail, but</p> <p>22 you had mentioned not being aware of any discipline</p> <p>23 with respect to the work program. And I just wanted to</p> <p>24 show one email because it covers that subject, then</p> <p>25 another.</p>	<p style="text-align: right;">Page 85</p> <p>1 RUSSELL WASHBURN</p> <p>2 MR. HOWARD: Can we have CCBVA196534,</p> <p>3 Jackie, please.</p> <p>4 (Exhibit 5 marked for identification.)</p> <p>5 Q (By Mr. Howard) This has been marked as</p> <p>6 Exhibit 5. It's a series of emails from May of 2015,</p> <p>7 including a Mr. Jason Ellis.</p> <p>8 Before I scroll down, get into the content of</p> <p>9 emails, do you know Mr. Ellis?</p> <p>10 A Yes. Jason Ellis is a managing director and</p> <p>11 at that time would have been the managing director</p> <p>12 overseeing the warden at Stewart Detention Center.</p> <p>13 Q So he would have been the person at FSC to</p> <p>14 whom the warden of Stewart Detention Center would have</p> <p>15 reported?</p> <p>16 A Yes, sir. At that time, yes.</p> <p>17 Q And this involves detainee work details. And</p> <p>18 I apologize again because you don't have a physical</p> <p>19 copy, but I'm going to ask my colleague to scroll to</p> <p>20 the bottom and then work her way back so you can kind</p> <p>21 of see the chain of emails. It's not that long.</p> <p>22 A Okay.</p> <p>23 Q But it starts with a May 15, 2015 email from</p> <p>24 Troy Carey to Harrell Gray regarding detainee work</p> <p>25 details. And as you go through it, one of the first</p>

<p style="text-align: right;">Page 86</p> <p>1 RUSSELL WASHBURN</p> <p>2 questions I'm going to ask you is if you've seen this</p> <p>3 document before as part of your deposition preparation</p> <p>4 or at any other time.</p> <p>5 A I can't recall if this -- again, I reviewed</p> <p>6 so many documents -- I can't recall if this one was in</p> <p>7 that email thread or not.</p> <p>8 Q All right. When you've read this page, if</p> <p>9 you could let us know and then we'll scroll down.</p> <p>10 A Okay, I'm good to scroll.</p> <p>11 Okay.</p> <p>12 Okay.</p> <p>13 Q Now that you've seen the content of the</p> <p>14 entire thing, is this something that is familiar to</p> <p>15 you?</p> <p>16 A I believe I have reviewed this document.</p> <p>17 Q Okay. And do you gain an understanding as</p> <p>18 to, first and foremost, why Mr. Ellis, as a managing</p> <p>19 director at FSC, was getting involved in issues</p> <p>20 relating to detainees refusing to work?</p> <p>21 MR. LEE: Object to foundation.</p> <p>22 THE WITNESS: Again, I can't speculate</p> <p>23 as to why this specific communication</p> <p>24 occurred, but it's not non-routine for the</p> <p>25 managing director to be made aware of those</p>	<p style="text-align: right;">Page 87</p> <p>1 RUSSELL WASHBURN</p> <p>2 types of issues inside of facilities because</p> <p>3 there could be other underlying factors that</p> <p>4 could have operational impacts to the</p> <p>5 facility.</p> <p>6 Q (By Mr. Howard) When you say these "kinds of</p> <p>7 issues," are you referring there to including detainees</p> <p>8 refusing to work in the work program?</p> <p>9 MR. LEE: Object to form. Misstates the</p> <p>10 document.</p> <p>11 THE WITNESS: It could be. And the</p> <p>12 reality of it is, again, what's the cause of</p> <p>13 that, I mean, is there a bigger issue?</p> <p>14 Q (By Mr. Howard) So it would be a concern to</p> <p>15 CoreCivic, if there was an underlying issue, to be able</p> <p>16 to address it so that workers would show up to work,</p> <p>17 right?</p> <p>18 MR. LEE: Object to form.</p> <p>19 THE WITNESS: To address it to resolve</p> <p>20 whatever concern or issue there may be. Work</p> <p>21 stoppage may not necessarily be a concern or</p> <p>22 issue with being a part of the voluntary work</p> <p>23 program. It could be an issue because</p> <p>24 they're dissatisfied with something else, and</p> <p>25 so they would have to address whatever that</p>
<p style="text-align: right;">Page 88</p> <p>1 RUSSELL WASHBURN</p> <p>2 is that's causing them to not want to</p> <p>3 participate in the voluntary work program.</p> <p>4 Q (By Mr. Howard) It could also be they just</p> <p>5 didn't want to go to work?</p> <p>6 MR. LEE: Foundation.</p> <p>7 THE WITNESS: Again, it could be; but,</p> <p>8 again, I think we're just speculating what</p> <p>9 the driving force was in this particular</p> <p>10 situation.</p> <p>11 Q (By Mr. Howard) But you're saying, then, it</p> <p>12 was -- you say not non-routine. Another way of saying</p> <p>13 that is it was routine for someone at CoreCivic FSC to</p> <p>14 get involved with issues like this that affect the</p> <p>15 operations of Stewart?</p> <p>16 MR. LEE: Object to form.</p> <p>17 THE WITNESS: Again, to keep the</p> <p>18 managing director aware of the day-to-day</p> <p>19 operations, that is routine.</p> <p>20 Q (By Mr. Howard) And what authority, if any,</p> <p>21 did the managing director at FSC have for addressing or</p> <p>22 resolving issues like this?</p> <p>23 A They would address it through the leadership</p> <p>24 team here at the facility. They personally would not</p> <p>25 have addressed the issue. But, again, there would be a</p>	<p style="text-align: right;">Page 89</p> <p>1 RUSSELL WASHBURN</p> <p>2 means of mentoring, coaching, directing, those types of</p> <p>3 things, but the actual application of whatever decision</p> <p>4 is made to apply would be at the leadership level at</p> <p>5 the facility.</p> <p>6 Q And when you refer to the leadership team or</p> <p>7 the leadership level, what is that comprised of at</p> <p>8 Stewart?</p> <p>9 A Warden, assistant wardens, and chiefs, and</p> <p>10 then to be specific, chief of security, chief of unit</p> <p>11 management, assistant warden of operations, and</p> <p>12 assistant warden of programs.</p> <p>13 Q Excellent. Thank you.</p> <p>14 Now, when Mr. Ellis says, "Can you find out</p> <p>15 why they did not go to work, what we are doing to hold</p> <p>16 them accountable, and if any other detainees from this</p> <p>17 unit are scheduled to work in food service and other</p> <p>18 areas of the facility later today," do you have an</p> <p>19 understanding of why Mr. Ellis would be asking whether</p> <p>20 these detainees who did not go to work would be held</p> <p>21 accountable?</p> <p>22 MR. LEE: Foundation.</p> <p>23 THE WITNESS: Again, you know,</p> <p>24 accountable is pretty open-ended and what his</p> <p>25 intent was there. Obviously, we'd have to</p>

<p style="text-align: right;">Page 90</p> <p>1 RUSSELL WASHBURN</p> <p>2 ask him that specific as to what his meaning</p> <p>3 was behind that particular word, but it could</p> <p>4 be as simple as removal from the work</p> <p>5 program, which the standard allows.</p> <p>6 Q (By Mr. Howard) But you don't know what he's</p> <p>7 meaning and you, in reviewing these documents, did not</p> <p>8 speak to Mr. Ellis about what he meant here; is that</p> <p>9 right?</p> <p>10 MR. LEE: Object to form.</p> <p>11 THE WITNESS: I did not speak to</p> <p>12 Mr. Ellis concerning this, no.</p> <p>13 Q (By Mr. Howard) Now, with respect to</p> <p>14 Mr. Ellis's general supervision that you described</p> <p>15 earlier on issues like this and being kept informed and</p> <p>16 then his coaching, et cetera, did any of that involve</p> <p>17 any kind of official regularly scheduled meetings with</p> <p>18 anyone in leadership at Stewart?</p> <p>19 A Are you asking as a routine set communication</p> <p>20 period? Is that --</p> <p>21 Q I'm just now kind of shifting and pivoting to</p> <p>22 asking about the structure and the reporting policies</p> <p>23 and practices between the leadership team at Stewart</p> <p>24 and the managing director at FSC.</p> <p>25 A Okay.</p>	<p style="text-align: right;">Page 91</p> <p>1 RUSSELL WASHBURN</p> <p>2 MR. LEE: Object to form. Exceeds the</p> <p>3 scope.</p> <p>4 THE WITNESS: I'm good to answer?</p> <p>5 MR. HOWARD: You are.</p> <p>6 THE WITNESS: So there is -- one,</p> <p>7 there's no set standard. I mean, there's</p> <p>8 going to be days that you may talk to the</p> <p>9 managing director multiple times in a single</p> <p>10 day. There may be days that you don't talk</p> <p>11 to the managing director at all and you have</p> <p>12 communications via emails.</p> <p>13 More often than not, the managing</p> <p>14 directors have designated either weekly or</p> <p>15 biweekly calls with each of the wardens in</p> <p>16 their particular division that occurs.</p> <p>17 The managing director visits the</p> <p>18 facilities. Again, there's no prescribed</p> <p>19 schedule that they are given that says that</p> <p>20 you must go X amount of times in a month or a</p> <p>21 quarter or anything of that nature that I'm</p> <p>22 aware of. They're always available 24 hours</p> <p>23 a day, seven days a week in the event that we</p> <p>24 need to report something or seek any level of</p> <p>25 assistance.</p>
<p style="text-align: right;">Page 92</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q (By Mr. Howard) And is there a set agenda</p> <p>3 for these weekly or biweekly calls, or is it really the</p> <p>4 issues of the day?</p> <p>5 A No, there's prescribed agendas that typically</p> <p>6 you report out on, and a lot of times it's general</p> <p>7 information. Example, in-service percentages, where</p> <p>8 your facility stands as far as completing annual</p> <p>9 training, any significant incidents that you may have</p> <p>10 had since the prior calls, any lessons learned from</p> <p>11 those types of incidents, population counts, and those</p> <p>12 types of information.</p> <p>13 Q Are written records kept of these calls?</p> <p>14 A I believe so, yes.</p> <p>15 Q Who keeps those?</p> <p>16 A I believe the administrative support staff</p> <p>17 member for the managing directors. In this case, for</p> <p>18 this facility is Linda Dixon, I believe, out of the</p> <p>19 Facility Support Center.</p> <p>20 Q And does Ms. Dixon attend the calls and take</p> <p>21 notes, or is she keeping a record based on notes kept</p> <p>22 by the current managing director?</p> <p>23 A I believe each prospective facility sends in</p> <p>24 their information to Ms. Dixon, and she compiles all of</p> <p>25 the reports together.</p>	<p style="text-align: right;">Page 93</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q So you send a written report in addition to</p> <p>3 reporting it orally on the call?</p> <p>4 A That's correct.</p> <p>5 Q And is that done weekly or biweekly?</p> <p>6 A Managing directors -- in my case today, it's</p> <p>7 biweekly. And since I've been here, it's been</p> <p>8 biweekly. But the managing directors will establish</p> <p>9 those either to be weekly or biweekly based on their</p> <p>10 individual expectations.</p> <p>11 Q And do you know if your predecessor sent in</p> <p>12 weekly or biweekly written reports to their managing</p> <p>13 director?</p> <p>14 MR. LEE: Object to form. Exceeds the</p> <p>15 scope.</p> <p>16 THE WITNESS: I would believe so. I</p> <p>17 mean, as far back as I can remember, all the</p> <p>18 facilities I've been to, it's been a common</p> <p>19 practice between managing directors and</p> <p>20 divisions, so I think it's safe to say yes.</p> <p>21 Q (By Mr. Howard) Do you know -- and is that</p> <p>22 sent to the managing director and then the</p> <p>23 administrative support person, in this case</p> <p>24 Linda Dixon, handles that -- or would it go directly to</p> <p>25 Linda Dixon as the custodian of those reports?</p>

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2 MR. LEE: Object to form. Beyond the

3 scope.

4 THE WITNESS: Again, the process would

5 be we would send it to her and then cc it to

6 the appropriate managing director.

7 Q (By Mr. Howard) And do you know how long

8 Linda Dixon has been in the role of administrative

9 support to the managing director overseeing Stewart?

10 A I do not, not without asking her.

11 MR. LEE: Exceeds the scope.

12 THE WITNESS: Sorry.

13 Q (By Mr. Howard) Do you know any of her

14 predecessors?

15 MR. LEE: Same objection.

16 THE WITNESS: Again, I know the

17 individuals in the roles, but whether or not

18 they were providing that support service for

19 Stewart specifically, I don't.

20 Q (By Mr. Howard) And you mentioned also

21 that -- the visits to the facility by the managing

22 directors. And Mr. Keeton is currently the managing

23 director with authority at FSC for Stewart, correct?

24 A As of today, yes, sir.

25 Q Has he been in that role since you became the

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2 of a -- again, an ad hoc, whatever --

3 A No specific agendas. On some of those

4 visits, he was here in conjunction with, like, the ODO

5 audit that may have been on site. He would be here as

6 a support mechanism for that, if necessary, but no

7 established agenda for any one of those. It would just

8 be an inspection of the facility and meet with the

9 leadership of the facility.

10 Q Was -- were any of those visits something

11 other than routine; that is, there was a specific event

12 that prompted Mr. Ellis to visit when he had no prior

13 plans to do so?

14 MR. LEE: Object to form and foundation.

15 Beyond the scope of the notice.

16 THE WITNESS: Not that I can recall

17 since I've been here, no.

18 Q (By Mr. Howard) And since August 2021, has

19 Mr. Keeton visited Stewart?

20 A He has.

21 Q How many times?

22 A I believe twice. Him and Mr. Ellis visited

23 together as part of that transitional process during

24 that transitional time and one other time since then.

25 Q And was the other time a routine visit, or

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2 warden at Stewart?

3 A No. Mr. Keeton assumed -- let me look at a

4 calendar. I believe it was in August that Jason Ellis

5 and him switched. But, again, I'd have to go back and

6 look, but I believe August is the right time frame

7 where they transitioned from Jason Ellis as the

8 managing director to Charles Keeton.

9 Q Is that August 2020?

10 A No, August of this year, 2021. I'm sorry.

11 Q So between April 2020, when you became

12 warden, and August 2020 [sic], when Mr. Ellis

13 transitioned out of the role of managing director over

14 Stewart, how many times did Mr. Ellis visit Stewart?

15 A And I think you said August 2020.

16 Q I meant August 2021. Thank you.

17 A Okay. I want to make sure I'm accurate. I'd

18 say four or five. I don't know specific.

19 Q And during those times, would he meet with

20 you and the leadership team?

21 A Yes.

22 Q Were there written records kept of those

23 meetings?

24 A No.

25 Q Were there specific agendas, or was this kind

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2 was it prompted by some event?

3 A There was no --

4 MR. LEE: Foundation, beyond the scope.

5 THE WITNESS: No event. We had a

6 scheduled inspection that he wanted to be a

7 part of.

8 Q (By Mr. Howard) An inspection by which

9 authority?

10 A I think -- again, I'd have to go back and

11 look to make certain. I believe it was a CRCL group,

12 civil rights/civil liberties group, that came.

13 Q Other than the managing director, Mr. Keeton,

14 and Mr. Ellis before him, do you, as the warden at

15 Stewart, report to anyone else senior to you at

16 CoreCivic?

17 A Not directly. He is my immediate supervisor.

18 Q Do you have any kind of dotted-line reporting

19 relationship with anyone else?

20 A No. I mean, there's others within the

21 Facility Support Center that obviously outrank me and

22 are above my rank, you know, various vice presidents,

23 other managing directors for various other departments,

24 but the actual reporting structure would be the warden,

25 managing director, vice president of operations.

<p style="text-align: right;">Page 98</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Are there any other members of your senior</p> <p>3 team or anyone else at Stewart who reports directly to</p> <p>4 someone in a supervising capacity at FSC, or do they</p> <p>5 all report up through you?</p> <p>6 A They would all report through me. Some of</p> <p>7 the -- like, human resources manager, business manager,</p> <p>8 they have some dotted lines to the SMEs and the</p> <p>9 regional individuals for the business office or for the</p> <p>10 human resource department, but those would be dotted</p> <p>11 lines. The direct report would be to -- from me. So I</p> <p>12 handle their -- you know, their performance</p> <p>13 evaluations, their requests for leave, things of that</p> <p>14 nature.</p> <p>15 Q Is there -- what is the structure for -- in</p> <p>16 terms of setting or changing existing policies,</p> <p>17 CoreCivic policies, as they relate to Stewart? Like,</p> <p>18 you alluded to a couple of policies before, 18 policy,</p> <p>19 the 19-100 [sic]. These have been set and they're in</p> <p>20 place, but they get modified from time to time; is that</p> <p>21 right?</p> <p>22 MR. LEE: Object to form. Beyond the</p> <p>23 scope.</p> <p>24 THE WITNESS: They do. And I just want</p> <p>25 to clarify, are you asking specifically for</p>	<p style="text-align: right;">Page 99</p> <p>1 RUSSELL WASHBURN</p> <p>2 Stewart or as CoreCivic as a whole?</p> <p>3 MR. HOWARD: For Stewart.</p> <p>4 THE WITNESS: Okay, for Stewart --</p> <p>5 MR. LEE: Same objections.</p> <p>6 THE WITNESS: Sorry.</p> <p>7 It's pretty consistent even outside --</p> <p>8 the process is that we would do an internal</p> <p>9 evaluation with the appropriate staff that</p> <p>10 would be affected by that policy here at the</p> <p>11 facility, recommend any changes through our</p> <p>12 quality assurance manager.</p> <p>13 Then it would in turn go to the Facility</p> <p>14 Support Center so that it can be vetted and</p> <p>15 evaluated for approval. Once approved, from</p> <p>16 there, the customer would get that -- an</p> <p>17 opportunity to review to advise of any</p> <p>18 concerns or any issues or objection to the</p> <p>19 change.</p> <p>20 And if there is none, then we would then</p> <p>21 communicate the change to staff and determine</p> <p>22 an appropriate effective date for it to be</p> <p>23 applied at the facility.</p> <p>24 Q (By Mr. Howard) And then the implementation</p> <p>25 of the change and the monitoring that's put into</p>
<p style="text-align: right;">Page 100</p> <p>1 RUSSELL WASHBURN</p> <p>2 practice, is that done at the facility level?</p> <p>3 MR. LEE: Object to form, beyond the</p> <p>4 scope.</p> <p>5 THE WITNESS: It definitely would be at</p> <p>6 the facility level. In some cases, there may</p> <p>7 be some oversight through the subject-matter</p> <p>8 experts, depending on what that policy is</p> <p>9 that required change, but certainly at the</p> <p>10 facility level for the quality assurance</p> <p>11 department and the leadership team and the</p> <p>12 supervisory staff here at the facility.</p> <p>13 Q (By Mr. Howard) And when you say some other</p> <p>14 oversight of subject-matter experts, are those at FSC?</p> <p>15 A Yes.</p> <p>16 MR. LEE: Same objections.</p> <p>17 THE WITNESS: The individuals I used as</p> <p>18 a reference before, regional directors for</p> <p>19 the human resources department, the medical</p> <p>20 departments or, you know, the business</p> <p>21 office.</p> <p>22 Q (By Mr. Howard) For example, you mentioned</p> <p>23 before the policy relating to the work program. Is</p> <p>24 there a subject-matter expert on the work program at</p> <p>25 FSC?</p>	<p style="text-align: right;">Page 101</p> <p>1 RUSSELL WASHBURN</p> <p>2 MR. LEE: Object to form.</p> <p>3 THE WITNESS: Not that I'm aware of, no,</p> <p>4 not specifically.</p> <p>5 Q (By Mr. Howard) So is there any supervision,</p> <p>6 as you characterized it, at the FSC level about the</p> <p>7 implementation and execution of the work program at</p> <p>8 Stewart?</p> <p>9 A Sorry, you have the policies and then you</p> <p>10 have the audits that take place. You have ODO audit,</p> <p>11 the Nakamoto audit, the CRCL group that comes in, ACA.</p> <p>12 I mean, there's just a variety of different mechanisms</p> <p>13 for measuring for full compliance to standards,</p> <p>14 policies, contract, all the above.</p> <p>15 Q I'm assuming the audit process -- and I think</p> <p>16 Ms. Sandley is going to get into that some with you,</p> <p>17 but I'm asking at the FSC level -- you mentioned there</p> <p>18 are no subject-matter experts per se. -- is there</p> <p>19 anyone who's got a responsibility of monitoring the</p> <p>20 execution of that program?</p> <p>21 MR. LEE: Object.</p> <p>22 THE WITNESS: CoreCivic has its own --</p> <p>23 I'm sorry.</p> <p>24 CoreCivic has its own also internal</p> <p>25 audit process where they come and they</p>

<p style="text-align: right;">Page 102</p> <p>1 RUSSELL WASHBURN</p> <p>2 actually do audits to ensure that our</p> <p>3 operation is in line with policies and post</p> <p>4 orders, contract, and various other</p> <p>5 standards.</p> <p>6 Q (By Mr. Howard) And these are people who</p> <p>7 come from FSC?</p> <p>8 A Yes, sir.</p> <p>9 Q And kind of what's their subject-matter</p> <p>10 expertise, if you will?</p> <p>11 A Two teams that are comprised -- we have a</p> <p>12 team lead, you have subject-matter experts that are in</p> <p>13 the area of programs, food service, security, safety,</p> <p>14 medical. They typically are five-member teams that</p> <p>15 come. And they're unannounced, so they just show up</p> <p>16 and perform that review. And it's at least annually,</p> <p>17 sometimes more than if there's a need to do that more</p> <p>18 than once. But a minimum of once a year, they're going</p> <p>19 to show up unannounced and perform those reviews.</p> <p>20 Q And do they perform -- do they provide you,</p> <p>21 as warden, with a written report of their findings?</p> <p>22 A They do.</p> <p>23 Q And so once a year, so how many times has</p> <p>24 that happened since you've been there in April of 2020?</p> <p>25 A Once in 2020 and then we've had ours in 2021</p>	<p style="text-align: right;">Page 103</p> <p>1 RUSSELL WASHBURN</p> <p>2 already this year.</p> <p>3 Q So you've had two since you've been there?</p> <p>4 A Yes, sir, for the CoreCivic audit. Now, I've</p> <p>5 had -- I can go back and look, but I've had a large</p> <p>6 number of Nakamoto, ODO, OIDO. I'm learning all these</p> <p>7 acronyms that -- I'm trying to keep up with them.</p> <p>8 We've had a large number of audits from those outside</p> <p>9 parties since I've arrived.</p> <p>10 Q And they all provide you with written</p> <p>11 reports, correct?</p> <p>12 A Yes, sir, they do.</p> <p>13 Q And when there are recommendations in those</p> <p>14 reports, is it the responsibility of you and your</p> <p>15 senior team or anyone at FSC with respect to</p> <p>16 implementing those recommendations?</p> <p>17 A Well, we'll evaluate the recommendations</p> <p>18 first and foremost, and then we have to create -- for</p> <p>19 any finding, we have to create what's known as a CAP,</p> <p>20 which is a corrective action plan. That correction</p> <p>21 action plan would then be developed. It's kind of the</p> <p>22 similar/same process as to the policy.</p> <p>23 Once that has been drafted, we send that to</p> <p>24 the policy and procedure department at our Facility</p> <p>25 Support Center. They vet it and verify that it meets</p>
<p style="text-align: right;">Page 104</p> <p>1 RUSSELL WASHBURN</p> <p>2 all elements of the policy, that it satisfies resolving</p> <p>3 whatever that concern is that was cited, and then --</p> <p>4 we'll ultimately then provide it to -- if it's a</p> <p>5 partner-based audit, such as ODO, Nakamoto, we have to</p> <p>6 then provide that to ICE for their review prior to it</p> <p>7 being submitted back to the appropriate auditing</p> <p>8 authority.</p> <p>9 Q Okay. I want to switch gears now to the</p> <p>10 budgeting process. And you referred earlier to being</p> <p>11 familiar with kind of the budget that's in place for</p> <p>12 Stewart under your direction as warden. Is that budget</p> <p>13 set initially at the corporate level at FSC?</p> <p>14 A It is. I mean, it's a -- I think it's a</p> <p>15 starting point that's established that goes out. It's</p> <p>16 typically -- the budgeting process, kind of the</p> <p>17 evaluation of the upcoming budget, typically starts</p> <p>18 around July/August period of time.</p> <p>19 And more often than not, those budgets are</p> <p>20 really kind of built history-based. There's an</p> <p>21 assessment to look at what was the utilization from</p> <p>22 this period of time to this period of time, and that's</p> <p>23 where the budget really starts at.</p> <p>24 Now, if there are things that we need to be</p> <p>25 discussing or anomalies that maybe were not in</p>	<p style="text-align: right;">Page 105</p> <p>1 RUSSELL WASHBURN</p> <p>2 existence during that period of time that was looked at</p> <p>3 and forecasted -- I'll give an example. Let's say we</p> <p>4 received a notification from the electric company that</p> <p>5 they're anticipating a certain increase in rates.</p> <p>6 Well, that wouldn't have been captured in history, but</p> <p>7 we could communicate that the electric company says</p> <p>8 there's going to be a 10 percent increase, so we know</p> <p>9 we've got to increase the dollar amount to meet</p> <p>10 whatever that increase may look like in the future.</p> <p>11 Q And the budgets, you know, have separate line</p> <p>12 items for, first of all, revenues, correct?</p> <p>13 A Yes, sir, they do.</p> <p>14 Q And the largest portion of the revenues that</p> <p>15 are in the budget for Stewart are those per diem rates</p> <p>16 and then the additional medical per diem rates pursuant</p> <p>17 to the ICE contracts and the modifications, correct?</p> <p>18 A That is correct.</p> <p>19 Q What other sources of revenue are there that</p> <p>20 go into the budget?</p> <p>21 MR. LEE: Object to form.</p> <p>22 THE WITNESS: You have the -- for</p> <p>23 accounting purposes and tracking purposes,</p> <p>24 you have the commissary budget that's in</p> <p>25 there. But, again, all of the commissary</p>

<p style="text-align: right;">Page 106</p> <p>1 RUSSELL WASHBURN</p> <p>2 funds, for lack of a better term, is kind of</p> <p>3 a nonprofit portion because CoreCivic doesn't</p> <p>4 see any value or return on that commissary</p> <p>5 side. That's -- a hundred percent goes back</p> <p>6 to the detainee population for purchasing of</p> <p>7 goods like recreational equipment and</p> <p>8 televisions and various other things for</p> <p>9 them. So it has to be for the sole benefit</p> <p>10 of the detainee population. So although you</p> <p>11 see that in the budget, it's a zero netted</p> <p>12 for -- CoreCivic can't profit and doesn't</p> <p>13 profit from those commissary revenues that</p> <p>14 are put into the budget or you see in the</p> <p>15 budget.</p> <p>16 Q (By Mr. Howard) All right, Ms. Sandley is</p> <p>17 going to cover the commissary issues, but is there a</p> <p>18 separate account maintained for money that comes --</p> <p>19 that's paid for commissary items?</p> <p>20 A Yes.</p> <p>21 Q And then, as you said, that money gets</p> <p>22 expended in some way. Do you know what the current</p> <p>23 balance is of that account?</p> <p>24 A I can get it. I don't know what it is off</p> <p>25 the top of my head, though.</p>	<p style="text-align: right;">Page 107</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q And do you know approximately how much money</p> <p>3 in profits, that is, money taken into the commissary</p> <p>4 above what you have to pay for the goods sold in the</p> <p>5 commissary, are on an annual basis?</p> <p>6 MR. LEE: Object to form.</p> <p>7 THE WITNESS: I don't.</p> <p>8 Q (By Mr. Howard) So aside from the commissary</p> <p>9 which you mentioned and Ms. Sandley will cover, are</p> <p>10 there other sources of revenue beyond what ICE is</p> <p>11 paying for the day rates? Plus I think there's, you</p> <p>12 know, ICE payments for transportation and things like</p> <p>13 that.</p> <p>14 A Outside of those, no, I don't -- for this</p> <p>15 facility, no, I don't think there is. No.</p> <p>16 Q Okay. And then there are also some line</p> <p>17 items for costs, correct?</p> <p>18 A That's correct.</p> <p>19 Q And we talked about labor costs, and that's</p> <p>20 the largest cost item in the budget for Stewart?</p> <p>21 A Correct. Staffing and salaries, yes.</p> <p>22 Q And then you've got -- you've got basically a</p> <p>23 process in the budget where you determine what your net</p> <p>24 revenues are, your revenues less your costs, right?</p> <p>25 A That's correct.</p>
<p style="text-align: right;">Page 108</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q And those will increase if you can reduce</p> <p>3 costs or increase revenues, simple accounting?</p> <p>4 A Yeah, I think it's simple business. Yes.</p> <p>5 Q Okay. And as part of the budgeting process,</p> <p>6 does CoreCivic look to identify areas where it can, you</p> <p>7 know, improve its bottom line, that is, make more</p> <p>8 money?</p> <p>9 MR. LEE: Object to form. Beyond the</p> <p>10 scope.</p> <p>11 THE WITNESS: The answer, I mean, for us</p> <p>12 to -- as a business practice, do we look for</p> <p>13 opportunities to be able to provide the same</p> <p>14 level of service without compromising safety</p> <p>15 and security and still yield a savings, the</p> <p>16 answer to that question would be yes, but it</p> <p>17 would not be at the compromise of the safety</p> <p>18 and security of the facility.</p> <p>19 MR. HOWARD: Absolutely.</p> <p>20 Q (By Mr. Howard) And the -- certainly the</p> <p>21 revenue, at least in this time when you're perpetually</p> <p>22 below the 1600 minimum, is pretty much tapped, there</p> <p>23 aren't going to be ways for you to really increase your</p> <p>24 revenue, correct?</p> <p>25 A Yeah, no, not to increase it, that's correct.</p>	<p style="text-align: right;">Page 109</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q So there would be focus to improve your net</p> <p>3 earnings on cost items, correct?</p> <p>4 MR. LEE: Object to form. Beyond the</p> <p>5 scope.</p> <p>6 THE WITNESS: Again, I think I -- I</p> <p>7 mean, kind of the same --</p> <p>8 MR. HOWARD: Same answer, right?</p> <p>9 THE WITNESS: Yeah, I think -- yeah.</p> <p>10 Q (By Mr. Howard) If you can reduce your costs</p> <p>11 while maintaining the security and safety and the</p> <p>12 conditions of the facility, you'll do that because it</p> <p>13 will mean more money for CoreCivic?</p> <p>14 MR. LEE: Object to form, asked and</p> <p>15 answered, beyond the scope.</p> <p>16 Q (By Mr. Howard) You can answer again. I'm</p> <p>17 sorry.</p> <p>18 A I'm sorry. Same answer. Sorry.</p> <p>19 Q Okay. Now, when you get the budget from FSC,</p> <p>20 who at CoreCivic, at Stewart, examines the line items</p> <p>21 to determine "this is too high, this is too low, or</p> <p>22 maybe we can save money here," does that kind of line</p> <p>23 item inspection, if anyone?</p> <p>24 A We do. It would be, of course, the business</p> <p>25 manager here at the facility, the assistant warden,</p>

<p style="text-align: right;">Page 110</p> <p>1 RUSSELL WASHBURN</p> <p>2 chief of securities, myself. The health service</p> <p>3 administrator typically would look at it specifically</p> <p>4 for the medical component of. You know, some of the</p> <p>5 area leaders, their specific line items, if it's</p> <p>6 applicable to them, would have an opportunity to look</p> <p>7 at it as well, offer any type of anomalies that they</p> <p>8 may be looking at or potentially forecasting that would</p> <p>9 have not been captured in the previous history that was</p> <p>10 reviewed when establishing the budget.</p> <p>11 Q Now, we were talking about the budget and</p> <p>12 ways to improve the net earnings. Another term of</p> <p>13 accounting art is EBITDA. Are you familiar with that</p> <p>14 term?</p> <p>15 A Earnings before interest, taxes, and</p> <p>16 depreciation, correct?</p> <p>17 Q Yeah. And that basically is your revenues</p> <p>18 less your costs.</p> <p>19 Is it correct that the exempt salaried</p> <p>20 employees of CoreCivic at Stewart receive annual</p> <p>21 bonuses as part of their compensation?</p> <p>22 MR. LEE: Object to form. Beyond the</p> <p>23 scope.</p> <p>24 THE WITNESS: Yes, we are eligible.</p> <p>25 Q (By Mr. Howard) And are you familiar with</p>	<p style="text-align: right;">Page 111</p> <p>1 RUSSELL WASHBURN</p> <p>2 how those bonuses are determined, whether they will be</p> <p>3 paid and the amount of the bonuses?</p> <p>4 MR. LEE: Same objection.</p> <p>5 THE WITNESS: Yeah, they're designed</p> <p>6 with performance goals. Each facilities'</p> <p>7 goals typically are different based on</p> <p>8 facility needs or challenges, but that's a</p> <p>9 component of. It's percentage-based, you</p> <p>10 know, for making all the goals or only making</p> <p>11 one of the goals, and it's based on the</p> <p>12 outcome of those particular goals.</p> <p>13 Q (By Mr. Howard) And do you know whether the</p> <p>14 goals for Stewart Detention Center for the payment of</p> <p>15 bonuses to exempt employees at Stewart have been</p> <p>16 financial in nature, that is, the financial performance</p> <p>17 of the Stewart Detention Center?</p> <p>18 MR. LEE: Beyond the scope.</p> <p>19 THE WITNESS: I think I understand the</p> <p>20 question. You're asking were they given a</p> <p>21 bonus and a financial -- is that --</p> <p>22 MR. HOWARD: No, my question is -- FSC</p> <p>23 determines the bonuses that they're going to</p> <p>24 pay to employees at the centers like Stewart,</p> <p>25 correct?</p>
<p style="text-align: right;">Page 112</p> <p>1 RUSSELL WASHBURN</p> <p>2 THE WITNESS: Yes, it's based on the</p> <p>3 formula and a program that's established</p> <p>4 company-wide, yes.</p> <p>5 Q (By Mr. Howard) And are you familiar with</p> <p>6 bonus programs that have been applied to Stewart which</p> <p>7 pay bonuses based on levels of EBITDA, levels of the</p> <p>8 earnings of the facility?</p> <p>9 MR. LEE: Object to form. Beyond the</p> <p>10 scope.</p> <p>11 THE WITNESS: I will tell you, and I</p> <p>12 speak specifically for Stewart, all of the</p> <p>13 goals weren't necessarily attached to the</p> <p>14 actual financial outcome.</p> <p>15 I'll give an example. One was the -- to</p> <p>16 meet a percentage of turnover rate is to have</p> <p>17 less than this in a turnover rate. Another</p> <p>18 one was to have 10 percent or less of the</p> <p>19 findings from any audit, partner audit or</p> <p>20 internal audit, from the previous year.</p> <p>21 So they're more performance-based than</p> <p>22 they are, really, financial. Now, not to say</p> <p>23 that there's not a component in the financial</p> <p>24 that takes -- is taken into consideration,</p> <p>25 because there is.</p>	<p style="text-align: right;">Page 113</p> <p>1 RUSSELL WASHBURN</p> <p>2 So you may only make -- you may not make</p> <p>3 any of the three goals, and so -- but if</p> <p>4 you're financially performing well, there</p> <p>5 could be a percentage that's applied under</p> <p>6 what's called a discretionary pay at that</p> <p>7 point, but the primary goals are not -- more</p> <p>8 often than not are not connected to the</p> <p>9 financial result of the facility. It's more</p> <p>10 about operational performance.</p> <p>11 MR. HOWARD: Okay. Can we just call up</p> <p>12 one more document, and then I'm going to turn</p> <p>13 it over to Ms. Sandley. This is CCBVA258426,</p> <p>14 a February 29th, 2016 email regarding the</p> <p>15 2016 facility bonus plan.</p> <p>16 (Exhibit 6 marked for identification.)</p> <p>17 Q (By Mr. Howard) While she's pulling that up,</p> <p>18 did you review any of the bonus plan documents in</p> <p>19 preparation for the deposition today?</p> <p>20 A I don't recall -- I don't think any of those</p> <p>21 were a part of, but -- I don't believe so.</p> <p>22 Q And, as I said, this is from February of 2016</p> <p>23 and it talks about a 2016 facility bonus plan with</p> <p>24 bonus grades 1 through 4. I don't know if you can see</p> <p>25 that under the paragraph labeled No. 1.</p>

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2 A I can.

3 Q Okay. And then -- by the way, when bonus

4 plans are established by FSC, the employees who are

5 eligible at Stewart are aware of the plan, are they

6 not?

7 A Yes, they are.

8 Q So they know what they have to do in order to

9 achieve a bonus? It doesn't come as a surprise at the

10 end?

11 A That is correct.

12 Q So at the beginning of the year, they say,

13 "Look, if we do XYZ, we're in line for a bonus," so

14 they're incentivized to do whatever it is the XYZ lays

15 out as the goals for the bonus, correct?

16 A That's correct.

17 Q And let's take a look at the attachment to

18 this bonus plan for 2016 facilities.

19 (Interruption in the proceedings.)

20 MR. HOWARD: Hold on one second. Take a

21 look at that, and then I'll ask some

22 questions.

23 Q (By Mr. Howard) So this facility bonus plan,

24 grades 1 through 4, has grade levels that are based

25 entirely on facility EBITDA and operating expenses as

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2 "Facility EBITDA will be calculated on a sliding scale

3 to reward facilities for attaining higher levels of

4 EBITDA."

5 So these bonuses are rewards to management of

6 Stewart if you are able to achieve higher levels of

7 earnings, correct?

8 A Yes. Based on this plan, yes.

9 Q And this plan was in effect at 2016. Do you

10 know how many years the bonus plans for the facilities,

11 including Stewart, included EBITDA as a performance

12 goal?

13 MR. LEE: Object to form.

14 THE WITNESS: I would say for sure the

15 period of this case. As far back as I can

16 remember, that's been a part.

17 Now, this specific plan, I'm sure it's

18 modified over the course of time, but there

19 has been a plan for bonuses for a period

20 of -- at least for the period of this case.

21 Q (By Mr. Howard) And a plan that included

22 as -- a reward for facilities for attaining higher

23 levels of EBITDA, correct?

24 A Yes.

25 Q And, similarly, the plan rewards facilities

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2 well as a customized facility operational metric. Do

3 you see that?

4 A Yes.

5 Q So facility EBITDA, that's the earnings, you

6 know, revenue less expenses we were talking about

7 before, correct?

8 A That's correct.

9 Q And the higher that EBITDA, the higher the

10 grade for the bonus, correct?

11 A To that percent.

12 Q Yes.

13 A Yes.

14 Q And then operating expenses is a separate

15 criteria. And I think if you scroll down, you see that

16 reducing operating expenses also contributes to a

17 higher bonus level, correct?

18 A That's correct.

19 Q And these are financial performance metrics

20 that, if achieved, allow exempt employees, the 32

21 exempt employees, I believe you said, at Stewart to

22 make more compensation?

23 A Correct. That is a component of the plan,

24 yes.

25 Q And, for example, "Facility EBITDA," it says,

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2 for attaining lower levels of expenditures, correct,

3 looking at No. 2?

4 A Yes. For the operating expenses, yes.

5 Q And the largest operating expense is labor,

6 correct?

7 A That is correct.

8 Q All right.

9 MR. HOWARD: I have no more questions,

10 Mr. Washburn. I'm going to turn you now over

11 to Ms. Sandley, but I do want to thank you

12 for your patience with me, especially when I

13 had some awkward questions, and you're a

14 veteran of this process. I hope I didn't

15 waste your time.

16 THE WITNESS: Not at all.

17 MR. HOWARD: Thank you.

18 THE WITNESS: Thank you.

19 MS. SANDLEY: Hi, Warden Washburn. I'm

20 CJ Sandley. I believe we met during the site

21 inspection in this case. It's good to see

22 you again.

23 THE WITNESS: I thought you looked

24 familiar, so -- thank you.

25 MS. SANDLEY: Well, you're stuck with me

<p style="text-align: right;">Page 118</p> <p>1 RUSSELL WASHBURN</p> <p>2 for the rest of this deposition, so thanks</p> <p>3 for being flexible with us.</p> <p>4 EXAMINATION</p> <p>5 BY MS. SANDLEY:</p> <p>6 Q I want to start -- I know you talked a little</p> <p>7 bit about staffing plans with Mr. Howard, and I want to</p> <p>8 go back to that. You testified earlier that there are</p> <p>9 two separate staffing plans for Stewart; is that right?</p> <p>10 A That's correct.</p> <p>11 Q There's one based on a population of 1600?</p> <p>12 A Yes.</p> <p>13 Q And one based on a population of 1752?</p> <p>14 A Yes, ma'am.</p> <p>15 Q Are those staffing plans written?</p> <p>16 A They are.</p> <p>17 Q Do you have copies of them?</p> <p>18 A I do.</p> <p>19 Q Did you review them before this deposition</p> <p>20 today?</p> <p>21 A Yes, because that's the staffing pattern that</p> <p>22 we're operating off and we have been operating off</p> <p>23 since my arrival.</p> <p>24 Q Okay. And is CoreCivic required under the</p> <p>25 IGSA to comply with the staffing pattern?</p>	<p style="text-align: right;">Page 119</p> <p>1 RUSSELL WASHBURN</p> <p>2 A Yes.</p> <p>3 Q Is it required to comply with the 1600 or the</p> <p>4 1752?</p> <p>5 A The 1600. And for explanation so you can</p> <p>6 kind of understand the difference between the two, 1600</p> <p>7 is the contracted staffing pattern. The 1752 is the</p> <p>8 budgeted staffing pattern, and that's what we hire to.</p> <p>9 The accountability from the customer, in this case ICE,</p> <p>10 it can be applied for the 1600-bed staffing pattern;</p> <p>11 but, again, we hire to the 1752, which is my budgeted</p> <p>12 staffing pattern. Hopefully that's helpful.</p> <p>13 Q Yeah, it is.</p> <p>14 Has CoreCivic always been required under the</p> <p>15 IGSA to comply with the staffing pattern?</p> <p>16 A As far as my knowledge, yes, but I'd have to</p> <p>17 go back and obviously review each record between 2008</p> <p>18 to today, but I believe so, yes.</p> <p>19 Q Okay. Is there a certain percentage of the</p> <p>20 required positions that CoreCivic is required to have</p> <p>21 filled in order to be in compliance with the contract?</p> <p>22 A All of them. That's based on the contract</p> <p>23 staffing pattern.</p> <p>24 Q Okay. So it's your understanding that the</p> <p>25 compliance rate is 100 percent?</p>
<p style="text-align: right;">Page 120</p> <p>1 RUSSELL WASHBURN</p> <p>2 A That's correct, yes. That's the expectation</p> <p>3 of the partner, yes.</p> <p>4 Q Okay. Has CoreCivic ever been penalized for</p> <p>5 failing to comply with the staffing pattern under the</p> <p>6 contract?</p> <p>7 A Here specifically at Stewart?</p> <p>8 Q Yes.</p> <p>9 A Certainly not since my arrival. I'd have to</p> <p>10 go back and look at the records to speak prior to, so</p> <p>11 I'm just not -- I'd have to look at the records to</p> <p>12 answer the rest of that.</p> <p>13 Q Okay. And nothing that you saw in your</p> <p>14 preparation for this deposition today indicated that</p> <p>15 one way or the other?</p> <p>16 A I don't believe so, no, ma'am.</p> <p>17 Q Okay. Is there a contractual limit on how</p> <p>18 long a vacancy can go unfilled before CoreCivic gets</p> <p>19 penalized under the contract?</p> <p>20 A Not in this specific contract. Some of our</p> <p>21 others, but I don't believe there is anything</p> <p>22 specifically in this contract. It's the established</p> <p>23 minimum and here's the expectation.</p> <p>24 MS. SANDLEY: Okay. Let's look at</p> <p>25 Exhibit No. 7. The Bates number is ICE</p>	<p style="text-align: right;">Page 121</p> <p>1 RUSSELL WASHBURN</p> <p>2 Barrientos 0024518.</p> <p>3 (Exhibit 7 marked for identification.)</p> <p>4 Q (By Ms. Sandley) All right, and this is an</p> <p>5 email thread. Let's go to the first email in this</p> <p>6 thread that's on page 2.</p> <p>7 All right, so this is an email from Cornell</p> <p>8 House, who appears to be someone at ICE, to Natasha</p> <p>9 Metcalf. Who is Natasha Metcalf.</p> <p>10 A Natasha is a vice president with Facility</p> <p>11 Support Center.</p> <p>12 Q Okay. And is she someone who has or had</p> <p>13 responsibilities relating to Stewart?</p> <p>14 A Yes. With all of our contracts as a company.</p> <p>15 Q Okay. And Mr. House writes, "We will not be</p> <p>16 taking any further action against the attached CDR</p> <p>17 17-0001 at this time."</p> <p>18 CDR stands for contract deficiency report?</p> <p>19 A Yes, ma'am.</p> <p>20 Q Okay. And that's a notification from ICE to</p> <p>21 CoreCivic that CoreCivic is not complying with the</p> <p>22 IGSA, right?</p> <p>23 A That's correct.</p> <p>24 Q Did ICE issue a CDR relating to staffing at</p> <p>25 Stewart?</p>

<p style="text-align: right;">Page 122</p> <p>1 RUSSELL WASHBURN</p> <p>2 A You're talking about from this email or --</p> <p>3 Q To your knowledge.</p> <p>4 A I mean, based on what I'm reading here, it</p> <p>5 would imply that, as such, yes.</p> <p>6 Q Okay, but this is the first you're learning</p> <p>7 about that?</p> <p>8 A I mean, I know that CDRs have been generated</p> <p>9 in the past. What each of those CDRs were for, I'd</p> <p>10 have to go back and obviously look at those.</p> <p>11 Q Do you know what any of the CDRs generated in</p> <p>12 the past relating to Stewart have been about?</p> <p>13 MR. LEE: Object to form.</p> <p>14 THE WITNESS: Again, just a handful. I</p> <p>15 know that there was a CDR generated for, I</p> <p>16 believe, a suicide that may have occurred or</p> <p>17 a death that occurred here at the facility.</p> <p>18 The CDR, I believe, was connected to security</p> <p>19 watches or security rounds from that.</p> <p>20 Again, to list them all, I'd have to go</p> <p>21 back and review, but I know those for sure --</p> <p>22 or that one for sure.</p> <p>23 MS. SANDLEY: Okay.</p> <p>24 Q (By Ms. Sandley) All right, and looking back</p> <p>25 at this email, Mr. House writes, "As we've discussed,</p>	<p style="text-align: right;">Page 123</p> <p>1 RUSSELL WASHBURN</p> <p>2 we would like to incorporate a staffing plan into the</p> <p>3 contract. Attached is the cost statement/staffing plan</p> <p>4 you provided back in March."</p> <p>5 So does this email refresh your recollection</p> <p>6 or knowledge about whether there was a staffing plan in</p> <p>7 place under the contract at Stewart before 2017?</p> <p>8 A Based on this email, it would suggest that</p> <p>9 there was not. But, again, without reviewing the</p> <p>10 records to their entirety, I would read this as there</p> <p>11 may not have been one prior to that date.</p> <p>12 MS. SANDLEY: Okay, let's take a look at</p> <p>13 Exhibit 8. It's CCBVA4714.</p> <p>14 (Exhibit 8 marked for identification.)</p> <p>15 Q (By Ms. Sandley) Okay, and this is a letter</p> <p>16 that appears to be from ICE to the Stewart County Board</p> <p>17 of Commissioners. Do you see that?</p> <p>18 A Yes, ma'am.</p> <p>19 Q And it's from May 23rd, 2006?</p> <p>20 A Yes.</p> <p>21 Q Okay. And we're going to scroll down a</p> <p>22 little bit.</p> <p>23 All right, do you see where it says "Proposed</p> <p>24 Staffing Plan to include number and description of</p> <p>25 positions and staffing allocation by shift"?</p>
<p style="text-align: right;">Page 124</p> <p>1 RUSSELL WASHBURN</p> <p>2 A Yes.</p> <p>3 Q In preparing for this deposition today, did</p> <p>4 you review any staffing plans that were incorporated</p> <p>5 into the original IGSA for Stewart Detention Center?</p> <p>6 A I reviewed some staffing plans, several of</p> <p>7 them. It probably was back to that point, but I'd have</p> <p>8 to refer back to those to see the actual dates on them.</p> <p>9 There was a multitude of staffing plans that I looked</p> <p>10 at.</p> <p>11 Q Okay. And when you say "a multitude," about</p> <p>12 how many?</p> <p>13 A Seven or eight. Maybe a little more.</p> <p>14 Q Okay.</p> <p>15 MS. SANDLEY: We can take this exhibit</p> <p>16 down, Jackie. And let's pull back up Exhibit</p> <p>17 7.</p> <p>18 Q (By Ms. Sandley) All right, so this is --</p> <p>19 we're going back to the email where ICE had issued a</p> <p>20 CDR about staffing and asked -- and attached -- let's</p> <p>21 actually look at the email. It's on page 2. Mr. House</p> <p>22 attaches what he describes as the cost</p> <p>23 statement/staffing plan provided by CoreCivic in March</p> <p>24 2017. Do you see that?</p> <p>25 A I do.</p>	<p style="text-align: right;">Page 125</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Okay. Let's look at page 5 of this document.</p> <p>3 All right, so according to Mr. House's email,</p> <p>4 this is the staffing plan proposed by CoreCivic for</p> <p>5 Stewart in 2017, and we're going to look at the "Type</p> <p>6 of Position" and "Number of Position" columns. Do you</p> <p>7 see those?</p> <p>8 A I do.</p> <p>9 Q Okay. Do you see the "Detention Officer"</p> <p>10 row?</p> <p>11 A I do, yes, ma'am.</p> <p>12 Q Okay. So in March 2017, CoreCivic, according</p> <p>13 to this document, proposed 271 detention officers at</p> <p>14 Stewart?</p> <p>15 A Yes, I see that.</p> <p>16 Q Do you have any idea how many detention</p> <p>17 officers were employed at Stewart before 2017?</p> <p>18 A Without looking at the records, no.</p> <p>19 Q Okay. And then scrolling down a little bit</p> <p>20 to "Senior Detention Officer," CoreCivic proposed 18.</p> <p>21 Do you see that?</p> <p>22 A I do, yes, ma'am.</p> <p>23 Q Okay. And then -- we're jumping around, I</p> <p>24 apologize -- janitors, CoreCivic proposed 0.5. Do you</p> <p>25 see that?</p>

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2 A I do, yes, ma'am.

3 Q And do you read that to mean one half-time

4 janitor?

5 A Yes, part time.

6 Q Okay. Stewart -- is one part-time janitor

7 enough to clean the whole facility of Stewart?

8 A Again, this is not a typical -- I mean, this

9 is a budgetary review. It depends on how many days

10 you're covering because that .5, you know, if you're

11 covering seven days a week, you know, for 40 hours,

12 that 0.5 could be more than.

13 I suspect, just based off of this, it's

14 probably one person part time, but -- based on the

15 overall salary, I would suggest that, but we actually

16 have -- the janitor service is really provided for the

17 outside building where ICE -- the construction. So the

18 janitorial services that are being provided primarily

19 are over in that particular location. So in that case,

20 yes.

21 Q Okay. So the janitors paid by CoreCivic

22 primarily only clean the portion of the facility that

23 is the ICE offices and ICE courtroom; is that right?

24 A Right, outside of the secured parameters.

25 Now, they do also clean and have been cleaning, since

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2 THE WITNESS: I see the 2017.

3 MS. SANDLEY: Yeah.

4 THE WITNESS: So I believe the 1600 or

5 the expansion was in 2016, so I think it's

6 safe to say that, yes, this would be based

7 off of a 1600 guarantee.

8 MS. SANDLEY: Okay. And let's go back

9 to page 5.

10 Q (By Ms. Sandley) All right, so looking at

11 "Maintenance," this staffing pattern allows for one

12 maintenance supervisor. Do you see that?

13 A Yes, I do.

14 Q And four maintenance workers?

15 A I do.

16 Q Do you see any food-service staff included in

17 this staffing plan?

18 A No, because they're contracted, so they would

19 be under a separate contract for us. They would not be

20 on our staffing plan. They would be through the

21 contract between us and Trinity.

22 Q Okay. All right.

23 Do you know if this specific staffing plan

24 was incorporated into the Stewart IGSA?

25 A Based off of the documents I reviewed in this

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2 COVID, other areas in addition to, but -- but yes.

3 Q Prior to COVID, the rest of the facility was

4 cleaned almost entirely by detained workers, right?

5 A I'm sorry, you broke up.

6 Q Prior to COVID, the rest of the facility was

7 cleaned almost entirely by detained workers?

8 MR. LEE: Object to form.

9 THE WITNESS: No, I would say, I mean,

10 staff -- staff and detainee workers would

11 have been providing that service. Example, a

12 control room, a detainee is not able to go

13 inside of a control room, so that service

14 would have been provided and cleaned by the

15 actual officers that are assigned.

16 So I won't say exclusively. There were

17 certainly janitorial services being performed

18 by detainees, but not exclusively.

19 MS. SANDLEY: Okay.

20 Q (By Ms. Sandley) This staffing plan, if you

21 know, is -- is it based on a 1600 population?

22 A As part of the contract -- again, what is the

23 date on this email?

24 MS. SANDLEY: Let's look at page 2,

25 Jackie.

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2 email, I would say yes.

3 MS. SANDLEY: Okay, let's look at the

4 next exhibit, CCBVA105880.

5 (Exhibit 9 marked for identification.)

6 Q (By Ms. Sandley) All right, and this is a

7 modification to the Stewart IGSA, correct?

8 A Yes.

9 Q Let's scroll down a little bit so we can see

10 the signature date.

11 Okay. And it appears to be dated -- or

12 signed February 6, 2018. Do you see that.

13 A Yes. It's hard to make out the 2018, but I

14 believe that's what it says.

15 Q Okay. Let's go to page 7 of this document.

16 All right. And this is a staffing plan,

17 correct?

18 A It's, yes, part of a staffing plan, yes.

19 Q Part of a staffing plan. And this one calls

20 for [REDACTED] detention officers. Do you see that?

21 A I do.

22 Q That's [REDACTED] the 271 we saw in the

23 previous proposed staffing plan we looked at, correct?

24 A That's correct.

25 Q Do you know why [REDACTED]

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2 A No, I don't. I don't know when this

3 particular staffing plan or if this is the one that

4 actually made it to because it's [REDACTED] the one

5 we're operating off of today, so I'm not sure.

6 Q Okay. Can we scroll up to page 6.

7 All right. And this is another part of the

8 staffing plan, right?

9 A Yes, it is.

10 Q I want to ask you about that "Relief Factor"

11 column. Some of these positions are a 1.0 relief

12 factor, correct?

13 A That's correct.

14 Q And some of them are more than 1, correct?

15 A That's correct.

16 Q And there's one -- the janitor is .5, right?

17 A Is that on this page? Yeah, part time, one,

18 yes.

19 Q Okay. How does CoreCivic calculate shift

20 relief factors?

21 A What's taken into consideration for relief

22 factor, I mean, it's based on the hours, the number of

23 shifts that have to be covered, again, the number of

24 hours that have to be covered in order to come up with

25 the equation to allow -- to have an appropriate level

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2 relief factors greater than one positions that require

3 24/7 coverage?

4 A For the most part, yes. Some, you know, will

5 just be a first and a second shift, you know, either at

6 five days or seven days, and that's going to change

7 that -- that formula or that math to come up with that

8 total staff that's necessary to fulfill that staffing

9 pattern.

10 Q Okay.

11 MS. SANDLEY: All right, we can take

12 this exhibit down. Let's look at the next

13 exhibit, No. 9 [sic], CCBVA244539 [sic]. All

14 right.

15 (Exhibit 10 marked for identification.)

16 MS. SANDLEY: And, Jackie, is this

17 Exhibit 10? I'm sorry if I messed up the

18 numbers. All right, this is 10.

19 Q (By Ms. Sandley) Okay, let's scroll down --

20 this is, again, another modification to the contract,

21 right, Warden?

22 A Yes, sir. I mean yes, ma'am. Sorry.

23 Q That's okay.

24 Let's scroll down to the signature date. And

25 it looks like next to the contracting officer's

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2 of coverage, those same numbers of coverage that's on

3 the staffing pattern, in addition to giving people

4 vacation time, training times, things of that nature.

5 Q Okay. So the factors taken into

6 consideration in calculating the shift relief factor

7 are time off, right?

8 A Correct.

9 Q Training time?

10 A Correct. The number of -- I'm sorry.

11 Q No, go ahead. You can list them out for me.

12 A The number of hours that that post has to be

13 covered, you know, whether that's a

14 24-hour-7-day-a-week post, and then the number that's

15 expected. So if you're looking at detention officer of

16 housing on that very first block, [REDACTED]

[REDACTED]

[REDACTED] So that formula gives you

20 that total number that you would need.

21 And in this case, you can see out to the far

22 right, [REDACTED] So you have to have [REDACTED] order

23 to make sure you have [REDACTED] 24 hours a

24 day, seven days a week.

25 Q Okay. Generally, are the positions with

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2 signature, there's a date there of April 24th, 2019.

3 Do you see that?

4 A I do. The electronic stamp there, it looks

5 like?

6 Q Yes.

7 A Yes, ma'am.

8 Q Okay. Let's scroll down to page 5.

9 All right. And this is another staffing

10 pattern, right?

11 A It is, yes.

12 Q And looking at the "Maintenance" section

13 here, there is one janitor position and one part-time

14 janitor position. Do you see that?

15 A I do.

16 Q Do you know why one janitor was added?

17 A I don't. They were in place before I got

18 here, so to answer why it was added or when, I'm not

19 sure.

20 Q Okay. Let's look at the next page. Do you

21 see where, in the "Position Summary" section, it says

22 "food service contract staff"? Do you see that?

23 A I do.

24 Q Do you know at what point the food service

25 staff was incorporated into the staffing plan under the

<p style="text-align: right;">Page 134</p> <p>1 RUSSELL WASHBURN</p> <p>2 IGSA?</p> <p>3 A I don't. It was in place when I arrived.</p> <p>4 Q Okay. But seeing it here now, would it be</p> <p>5 your understanding that because the food service staff</p> <p>6 was included in the staffing plan attached to the IGSA,</p> <p>7 CoreCivic is required to ensure that there are at least</p> <p>8 six food service staff at Stewart?</p> <p>9 A Yes.</p> <p>10 Q And then staffing ratios here, do you see</p> <p>11 those?</p> <p>12 A I do, yes, ma'am.</p> <p>13 Q Are those based on a 1600 population as well?</p> <p>14 A Yes. Any time you see -- on any of our</p> <p>15 staffing patterns, when you see that 1600 in the</p> <p>16 left-hand corner, if that number was different, then</p> <p>17 that would be reflected that that -- that would -- a</p> <p>18 change to base. So I had 1752. Instead of saying</p> <p>19 1600, it says 1752 there.</p> <p>20 Q Got it. Okay.</p> <p>21 MS. SANDLEY: All right, we can take</p> <p>22 this down.</p> <p>23 Q (By Ms. Sandley) The staffing patterns that</p> <p>24 are in place currently at Stewart, do you know when</p> <p>25 they were created?</p>	<p style="text-align: right;">Page 135</p> <p>1 RUSSELL WASHBURN</p> <p>2 A No, ma'am. They've been in place since my</p> <p>3 arrival, so I don't -- I'm sure they were created with</p> <p>4 the 1600 around that 2016 time frame; but it appears,</p> <p>5 obviously, there were some adjustments to that between</p> <p>6 that time and whenever the last one that was changed</p> <p>7 and modified before I got here.</p> <p>8 Q Okay. Does CoreCivic submit regular staffing</p> <p>9 reports about Stewart to ICE?</p> <p>10 A Yes. Each month.</p> <p>11 Q And who prepares those?</p> <p>12 A The human resource manager.</p> <p>13 Q Okay. Do you review them before they're</p> <p>14 submitted?</p> <p>15 A Not regularly, no.</p> <p>16 MS. SANDLEY: Let's take a look at</p> <p>17 Exhibit 11, CCBVA280792.</p> <p>18 (Exhibit 11 marked for identification.)</p> <p>19 Q (By Ms. Sandley) And is this one of those</p> <p>20 monthly staffing reports submitted to ICE?</p> <p>21 A It's hard to tell with all the redacted. It</p> <p>22 appears so, yes.</p> <p>23 Q Okay, we're going to look at the first tab of</p> <p>24 this document. It's called "Staff Report." And is</p> <p>25 this -- so is this tab generally a list of all the</p>
<p style="text-align: right;">Page 136</p> <p>1 RUSSELL WASHBURN</p> <p>2 staff currently at Stewart?</p> <p>3 A Yes, it's an active number of employees and</p> <p>4 which employees are physically working at the facility.</p> <p>5 Q Okay. And let's take a look at the next tab.</p> <p>6 While we pull that up, these staffing reports, are they</p> <p>7 measuring against the 1600 population staffing plan or</p> <p>8 the 1752?</p> <p>9 A I'll say they should be. I will tell you</p> <p>10 when I first came, there was some confusion, so I don't</p> <p>11 know where that started where staff were reporting from</p> <p>12 the 1752 staffing pattern and not the 1600 contracted</p> <p>13 staffing pattern. I'm not sure when that confusion</p> <p>14 started, so I can't say. This is April 2021. This one</p> <p>15 should be from the 1600 for sure, but I do know prior</p> <p>16 to my arrival and the period during the time I was</p> <p>17 here, the staff were utilizing the wrong staffing</p> <p>18 pattern and were reporting off of that higher number of</p> <p>19 staff above and beyond what the contract required.</p> <p>20 Q Okay. But these reports should be reporting</p> <p>21 based on the 1600 staffing pattern; is that right?</p> <p>22 A Correct. This April 2021 for sure was based</p> <p>23 off of 1600.</p> <p>24 Q Okay. I'm sorry to go back to that first</p> <p>25 tab, and we don't have to pull that up again, but that</p>	<p style="text-align: right;">Page 137</p> <p>1 RUSSELL WASHBURN</p> <p>2 was the tab that listed all of the employees currently</p> <p>3 at Stewart, right?</p> <p>4 A Yes. Well, I mean, the titles.</p> <p>5 Q And presumably, under the "Name" column,</p> <p>6 their names and their employee numbers under that</p> <p>7 column?</p> <p>8 A This would be the formatted form, yes, ma'am.</p> <p>9 Q Okay. If this report is reporting based on</p> <p>10 the 1600 population staffing pattern, are there</p> <p>11 employees at Stewart who are not included in this tab?</p> <p>12 MR. LEE: Object to form.</p> <p>13 THE WITNESS: Are you asking me if</p> <p>14 there's people who are working that would not</p> <p>15 be on this report?</p> <p>16 MS. SANDLEY: Correct.</p> <p>17 THE WITNESS: Not that I'm aware of,</p> <p>18 no.</p> <p>19 MS. SANDLEY: Let's look at the next</p> <p>20 tab.</p> <p>21 Q (By Ms. Sandley) Okay, and this tab lists</p> <p>22 vacant positions; is that correct?</p> <p>23 A It does, yes.</p> <p>24 Q Okay. And on this report, some of those</p> <p>25 vacant positions, like accounting clerk, mail room</p>

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2 clerk, had been vacant for quite some time, correct?

3 A That's correct.

4 Q Have they been filled now?

5 A Some of them, in fact, maybe -- minus

6 administrative clerk because it seems like we always

7 have an administrative clerk position that leaves or

8 comes and goes, mail room, yes, secretary, yes,

9 accounting clerk, yes, that administrative clerk part

10 time, yes, and the chaplain, yes. The administrative

11 clerk, like I said, at any given time, we could have

12 one or two of those open because, again, those staff

13 come and go.

14 Q Okay. And this portion of the report also

15 lists pending hires?

16 A Yes.

17 Q How long does the hiring process at CoreCivic

18 typically take?

19 A It varies. It's depending on the individual.

20 The background that ICE completes can be pretty

21 extensive, so I would say the least I've seen is four

22 weeks, but I've seen it to 12 weeks.

23 Q And let's look at the totals at the bottom.

24 All right, the column that says "Allocated,"

25 do you see that?

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2 currently [REDACTED] filled positions and [REDACTED] vacancies, but

3 there were only [REDACTED] allocated positions?

4 A No. As I said, I'm not sure that [REDACTED] is an

5 accurate number.

6 Q Okay. Would you expect the number in the

7 "Current" column and the number in the "Vacancy" column

8 to add up to the number in the "Allocated" column?

9 A Yes.

10 Q Okay. What does "Pending Equip" mean?

11 A That's the background clearance. Equip is

12 what they -- that's what's referencing the background

13 clearance that ICE completes.

14 Q What does "Pending Hire" and "Cleared" mean?

15 A It means that they've been cleared and

16 they're waiting to be -- until the next available

17 pre-service orientation class would be scheduled to

18 start. So they've been cleared through -- they

19 received their final EOD from ICE, which is their

20 background approval, but now we're waiting for the

21 scheduled class to start.

22 Q Okay. And this report indicates that in

23 April 2021, Stewart was staffed at [REDACTED] percent?

24 A Staffing percentage, yes, that's what the

25 numbers are there.

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2 A Yes, ma'am, I do.

3 Q What does "allocated" mean?

4 A That's the number of positions approved.

5 Q Under the 1600 population staffing plan?

6 A I believe that number -- I'm not sure if

7 that's accurate or not.

8 Q You're not sure if [REDACTED] is the number of

9 approved positions under the 1600 population staffing

10 plan?

11 A Right. I'd have to go back and look at that.

12 That staffing plan you had up, if we could look at

13 that, that could tell us that number.

14 Q Okay, that's all right, but it's your general

15 understanding that this should reflect the number --

16 the total number of staff in the 1600 population

17 staffing plan?

18 A Yes, ma'am.

19 Q Okay. And then the "Current" column, does

20 that reflect the number of filled positions?

21 A Yes, it would.

22 Q All right. And then on this report, there

23 were [REDACTED] vacancies. Do you see that?

24 A I do.

25 Q Okay. Can you explain to me how there were

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2 Q Okay. And that's counting the Equip hires but

3 not the pending hires, correct?

4 A I'd have to see what the formula is in the

5 spreadsheet, but I would assume that would be accurate,

6 yes.

7 Q I'm asking based on that asterisk there right

8 under this portion of the --

9 A Yes.

10 Q The staffing vacancies by position are not

11 included in this report, correct?

12 A The staffing vacancy -- not by position, no.

13 Q Okay. So Stewart or CoreCivic doesn't report

14 to ICE how many detention officer vacancies there are,

15 correct?

16 A I believe we do.

17 Q Where would that information be?

18 A It would be in the reports that go out to --

19 from HR. I'm pretty sure we report the total number of

20 vacancies. Can you scroll back up?

21 Q Sure, yeah.

22 A Yeah. Again, not on this report, but I do

23 believe there's a different report that goes to them.

24 I'm not a hundred percent, but I'd have to verify that.

25 Q Okay.

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2 A But we do report all vacancies.

3 Q Okay. Is there another report that goes out

4 about staffing to ICE?

5 A I'd have to verify with HR just to confirm,

6 but it's to my understanding that we do report all of

7 our vacancies.

8 Q All right.

9 MS. SANDLEY: Let's take this exhibit

10 down.

11 Q (By Ms. Sandley) Does CoreCivic report how

12 much overtime staff are working to ICE?

13 A Not that I'm aware of, no.

14 Q Is that information collected anywhere?

15 A Are you asking for a dollar amount or for

16 hours?

17 Q Well, let's start with hours. Are the hours

18 of overtime work each month collected anywhere?

19 A Yes, all of our hourly employees clock in and

20 clock out, so the -- Kronos would maintain and keep

21 that information, the number of hours of each person

22 and how many hours of overtime they worked.

23 Q How often does staff at Stewart work overtime

24 right now?

25 A By person or --

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2 the higher and greater band, but it's not

3 captured into that per diem rate because the

4 1600 contract is the one that we actually are

5 paid for.

6 Q (By Ms. Sandley) Generally, comparing the

7 1600 to 1752 staffing plans, where are the differences?

8 So, for example, are there more detention officers in

9 the 1752?

10 A There is. I'd have to go back and look at

11 the number. That's the biggest variance, is in the

12 detention officers. And like an example, you saw there

13 was only a maintenance supervisor and four workers. We

14 have an assistant maintenance supervisor as well that's

15 not captured in there. So there's a few others, but

16 primarily in security is where you're going to see the

17 big difference.

18 Q Okay. And are there more supervisor-level

19 positions in the 1752?

20 A I believe so in medical. There might be one

21 additional clinical supervisor that's not captured and

22 maybe even one assistant because we have two assistant

23 HSAs. I'd have to go back and again look at the

24 staffing pattern, but -- to see if it calls for two or

25 one, but we actually have two. For some reason, I

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2 Q Is it typical to have staff working overtime

3 every day at Stewart?

4 A Oh, yes.

5 Q Okay. What happens if Stewart is

6 short-staffed in intake?

7 MR. LEE: Object to form.

8 THE WITNESS: We would overtime to cover

9 that vacancy for call-offs or, you know,

10 somebody calls in sick, then we would use

11 overtime to offset that and cover that.

12 Q (By Ms. Sandley) Okay, and same thing in the

13 chow hall, for example, you would use overtime to cover

14 that?

15 A That's correct.

16 Q Okay. Has CoreCivic ever increased staffing

17 at Stewart without seeking a modification to the IGSA?

18 A If I --

19 MR. LEE: Object to form.

20 THE WITNESS: I'm sorry.

21 MR. LEE: Go ahead.

22 THE WITNESS: Yeah, I mean, the 1752,

23 we're not compensated for that 1752 staffing

24 pattern, which is our budgeted staffing

25 pattern. That's the one that we hire to as

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2 think the 1600 only requires one.

3 Q Okay. So setting aside medical, the majority

4 of the increase in the 1752 staffing plan as compared

5 to the 1600 is in --

6 A Security, that's the bulk.

7 Q -- security and nonsupervisory positions; is

8 that right?

9 A That's correct, hourly staff.

10 Q Got it. Okay.

11 Who currently provides the phone services at

12 Stewart?

13 A Talton, if I said that correctly.

14 Q And when did they start providing phone

15 services at Stewart?

16 A I'm not sure. That contract is directly with

17 ICE. It's not our contract. It was in place when I

18 arrived, but I believe they had Securus, I think, is

19 what I understood prior to. But when that transition

20 occurred, I'm not a hundred percent.

21 Q Did you review the Securus contract in

22 preparing for this deposition today?

23 A No.

24 Q Okay. People detained at Stewart have to pay

25 for personal phone calls; is that right?

<p style="text-align: right;">Page 146</p> <p>1 RUSSELL WASHBURN</p> <p>2 A That's correct.</p> <p>3 Q Do you know what the current phone rates are?</p> <p>4 A I don't.</p> <p>5 Q Are they documented anywhere?</p> <p>6 A Again, presumably in that contract, I would</p> <p>7 believe those should be a negotiated and contracted</p> <p>8 rate, but I'd have to review that, obviously, to see --</p> <p>9 to confirm that.</p> <p>10 Q Are the rates made available to detained</p> <p>11 people at Stewart?</p> <p>12 A I believe they are. There's so many</p> <p>13 documents posted in housing units, as you know. I want</p> <p>14 to say yes, but I'd have to go down there and confirm</p> <p>15 that, but I believe I do recall flipping through there</p> <p>16 and seeing a rated schedule in there, but I'd have to</p> <p>17 confirm it.</p> <p>18 Q CoreCivic sells phone time through the</p> <p>19 commissary, correct?</p> <p>20 A Correct. We sell phone cards, yes, ma'am.</p> <p>21 Q And is there a markup on those phone cards?</p> <p>22 A I don't believe there is, and even if there</p> <p>23 was, a hundred percent of those funds stay in the</p> <p>24 commissary detainee welfare account, so CoreCivic would</p> <p>25 not -- actually would not be able to benefit from</p>	<p style="text-align: right;">Page 147</p> <p>1 RUSSELL WASHBURN</p> <p>2 anything from commissary, whether it's phone time,</p> <p>3 phone cards, or items off of their -- in fact, I think</p> <p>4 it's Modification 27 that states that we can't benefit</p> <p>5 from those.</p> <p>6 Q Okay. But you don't know right now whether</p> <p>7 currently the cost of phone cards is marked up from</p> <p>8 what the phone rates are under the Talton contract?</p> <p>9 MR. LEE: Object to form.</p> <p>10 THE WITNESS: I do not believe that they</p> <p>11 are, but I can't say without -- 100 percent,</p> <p>12 but I don't believe they are.</p> <p>13 MS. SANDLEY: Okay.</p> <p>14 Q (By Ms. Sandley) CoreCivic received</p> <p>15 commission on phone time under the Securus contract; is</p> <p>16 that correct?</p> <p>17 A It's in our budgeted numbers; but, again,</p> <p>18 that's one we don't benefit from. That goes directly</p> <p>19 to ICE or to -- not even to the welfare account. It</p> <p>20 goes directly to ICE. So although for accounting</p> <p>21 purposes, you see it in our financials, in our numbers,</p> <p>22 but 100 percent of that funds -- and that's in that</p> <p>23 modification. I think it's 27. There's so many of</p> <p>24 them. It clearly shows that that money has to go to</p> <p>25 ICE.</p>
<p style="text-align: right;">Page 148</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q And was that true under the Securus contract?</p> <p>3 A Again, I'd be speculating to say. That was</p> <p>4 before my time. It's been Talton since I arrived.</p> <p>5 MS. SANDLEY: I'm just going to object</p> <p>6 for the record. This is related to Topic 7</p> <p>7 under the 30(b)(6) notice. That clearly</p> <p>8 indicates the Securus contract was to be</p> <p>9 covered today.</p> <p>10 MR. LEE: It doesn't. I would refer you</p> <p>11 back to our objections both in negotiating</p> <p>12 this and to the RFPs where we objected to the</p> <p>13 relevance of that Securus contract, which is</p> <p>14 why it was never produced in this case.</p> <p>15 MS. SANDLEY: That was not something</p> <p>16 that was raised in our conferral with Rachel,</p> <p>17 Jacob.</p> <p>18 Let's look at Exhibit No. 11 [sic]. The</p> <p>19 Bates is SECURUS_95.</p> <p>20 (Exhibit 12 marked for identification.)</p> <p>21 Q (By Ms. Sandley) Okay, Warden Washburn, I</p> <p>22 know you testified earlier you did not review this</p> <p>23 document. I'll represent to you that this is the</p> <p>24 Securus contract produced to us by Securus, okay?</p> <p>25 A All right.</p>	<p style="text-align: right;">Page 149</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q And we're going to take a look at page 56.</p> <p>3 MR. LEE: Counsel, can we get this</p> <p>4 dropped in the chat before you start asking</p> <p>5 questions. I'd like to be able to review it</p> <p>6 contemporaneously.</p> <p>7 MS. SANDLEY: (Complies with request.)</p> <p>8 MR. LEE: Thank you.</p> <p>9 MS. SANDLEY: All right.</p> <p>10 Q (By Ms. Sandley) And, Warden Washburn,</p> <p>11 this --</p> <p>12 MS. SANDLEY: Let's actually scroll up</p> <p>13 to the previous page, Jackie. All right.</p> <p>14 Q (By Ms. Sandley) Warden Washburn, do you see</p> <p>15 there where it says "Customer Facilities and</p> <p>16 Compensation"?</p> <p>17 A Yes, ma'am. I do, yes.</p> <p>18 Q Okay. And it says, "The commission</p> <p>19 percentage identified below shall be effective May 1,</p> <p>20 2011." Do you see that?</p> <p>21 A I do, yes, ma'am.</p> <p>22 Q Okay. And let's scroll down to the next</p> <p>23 page.</p> <p>24 Okay. And this is the commission rate</p> <p>25 structure set out in this contract. Does this refresh</p>

<p style="text-align: right;">Page 150</p> <p>1 RUSSELL WASHBURN</p> <p>2 your recollection at all about whether CoreCivic</p> <p>3 received commission on phone calls made under the</p> <p>4 Securus contract?</p> <p>5 A I really would need to see the whole</p> <p>6 contract. It's hard from this part. It's got so much</p> <p>7 redaction. There's obviously a revenue range and a</p> <p>8 commission rate that's clearly there, and it appears</p> <p>9 that this specific contract, I believe at the top,</p> <p>10 CoreCivic, Corrections Corporation of America at the</p> <p>11 time -- so it suggests that, yes. But, again, without</p> <p>12 seeing that whole contract, it would be difficult for</p> <p>13 me to confirm definitively.</p> <p>14 Q Okay.</p> <p>15 MS. SANDLEY: Jackie, we can take this</p> <p>16 down.</p> <p>17 Q (By Ms. Sandley) How do people detained at</p> <p>18 Stewart pay for phone calls?</p> <p>19 A They have money placed on their books,</p> <p>20 whether they have money, whether they're working here</p> <p>21 and they earn money, they can apply it there, family</p> <p>22 members send their money into Western Union, put their</p> <p>23 money on their account so they can buy either phone</p> <p>24 time or specific -- I'll stick to phone time. That was</p> <p>25 the question. So they can -- either money is being</p>	<p style="text-align: right;">Page 151</p> <p>1 RUSSELL WASHBURN</p> <p>2 sent in from family members, loved ones, or their work</p> <p>3 that they're performing here and being paid for under</p> <p>4 the voluntary work program. Those funds can be put in</p> <p>5 there, and it's electronically transmitted that way.</p> <p>6 Q Okay. So if a person detained at Stewart</p> <p>7 does not have any money coming into their account from</p> <p>8 the outside, from family members or friends, the only</p> <p>9 way they can purchase phone time is by working and</p> <p>10 earning money; is that correct?</p> <p>11 MR. LEE: Object to form.</p> <p>12 THE WITNESS: As far as purchasing, yes.</p> <p>13 But I will tell you Talton actually now</p> <p>14 offers/provides 13 ten-minute calls that are</p> <p>15 free, and those are replenished, I believe,</p> <p>16 monthly. In addition, any of the detainees</p> <p>17 can request through their case management</p> <p>18 staff, unit management staff, for assistance</p> <p>19 to utilize a phone, a facility phone, and</p> <p>20 make a phone call that way.</p> <p>21 Q (By Ms. Sandley) Those free calls provided</p> <p>22 by Talton, was that something that was implemented</p> <p>23 after COVID-19 became an issue at ICE detention</p> <p>24 facilities?</p> <p>25 A Yes, ma'am. It was sometime after April</p>
<p style="text-align: right;">Page 152</p> <p>1 RUSSELL WASHBURN</p> <p>2 2020. I'm not sure exactly when they put that in. It</p> <p>3 was really a mechanism because of visitation</p> <p>4 restrictions. And then, of course, that was prior to</p> <p>5 the tablets. And, of course, they still exist today,</p> <p>6 the free phone calls, but they also have tablets where</p> <p>7 they can communicate as well.</p> <p>8 Q Okay. And people have to -- people detained</p> <p>9 at Stewart have to pay for certain services and</p> <p>10 programs on the tablets too, right?</p> <p>11 A Primarily visitation. You know, to generate</p> <p>12 a medical request, a grievance, those things are not</p> <p>13 things that they have to pay for. They can actually</p> <p>14 get on those, send emails to prospective staff inside</p> <p>15 the facility. Those aren't a cost to the detainee</p> <p>16 either.</p> <p>17 Q Okay. And when you say "visitation," you're</p> <p>18 referring to, like, video calls on the tablets?</p> <p>19 A Yes, ma'am, video visitation.</p> <p>20 Q Okay. How are you doing, Warden? Do you</p> <p>21 need a break?</p> <p>22 A No, I think I'm good, unless anybody else</p> <p>23 needs one.</p> <p>24 Q Let's keep going.</p> <p>25 You testified earlier with Mr. Howard that a</p>	<p style="text-align: right;">Page 153</p> <p>1 RUSSELL WASHBURN</p> <p>2 number of DHS entities have conducted audits at</p> <p>3 Stewart, right?</p> <p>4 A Yes, ma'am.</p> <p>5 Q Does the Office of Detention Oversight</p> <p>6 conduct audits at Stewart?</p> <p>7 A Yes, ma'am.</p> <p>8 Q And do they contract with a third party to</p> <p>9 conduct those audits?</p> <p>10 A I think in part. I think they do have</p> <p>11 Creative -- I might be confused. I think it is</p> <p>12 Creative Corrections. They might actually provide some</p> <p>13 assistance to Nakamoto too, but I know for sure -- I</p> <p>14 believe it's Creative Corrections with ODO, but they</p> <p>15 also have some of their -- I believe some of their own</p> <p>16 staff in addition to.</p> <p>17 Q Okay. And when ODO conducts audits at</p> <p>18 Stewart, what set of standards are they auditing for</p> <p>19 compliance with?</p> <p>20 A The PBNDS standards is what they're using for</p> <p>21 their basis. Now, when they come, they have specific</p> <p>22 standards that they're looking at. For example, we had</p> <p>23 one in October, so they looked at a set of standards in</p> <p>24 October. When they come again -- typically it's around</p> <p>25 six months, every six months they're coming, give or</p>

<p style="text-align: right;">Page 154</p> <p>1 RUSSELL WASHBURN</p> <p>2 take -- they'll look at a different set of standards in</p> <p>3 that next audit. Now, it may be some of the same, but</p> <p>4 there will be also some different ones because it</p> <p>5 rotates the standards. And, quite frankly, we don't</p> <p>6 know which standards they're going to be looking at, so</p> <p>7 it's a surprise when they get here.</p> <p>8 Q And ODO conducts on-site inspections, right?</p> <p>9 A Well, they were since this past one, yes.</p> <p>10 Prior to that, they were all remote, and that was</p> <p>11 because of the COVID protocols that were in there. So</p> <p>12 they did remote evaluations, but this last one that</p> <p>13 occurred in October, they were physically on site.</p> <p>14 Q Okay. So in a typical non-COVID ODO audit,</p> <p>15 apart from them coming on site, do they review</p> <p>16 documents?</p> <p>17 A Do they review documents prior to getting on</p> <p>18 site?</p> <p>19 Q Yes.</p> <p>20 A Yes, for both. They review prior to because</p> <p>21 they do have to upload to a SharePoint specific</p> <p>22 documents that they want, that they've requested, but</p> <p>23 then in addition to -- but really the on-site more so</p> <p>24 was a thing -- when they were here, they reviewed more</p> <p>25 documents physically while they were here as opposed to</p>	<p style="text-align: right;">Page 155</p> <p>1 RUSSELL WASHBURN</p> <p>2 uploading.</p> <p>3 Now, the virtual, we had a large amount of</p> <p>4 documents that there was a request and we had to</p> <p>5 upload, so that was a hundred percent done prior to or</p> <p>6 in conjunction with.</p> <p>7 Q Okay. And when ODO is on site, do they</p> <p>8 interview detained people?</p> <p>9 A Yes, detainees and staff.</p> <p>10 Q Okay. And by "staff," you mean CoreCivic</p> <p>11 staff?</p> <p>12 A I believe both, ICE staff and CoreCivic staff</p> <p>13 and detainees. And for the record, they actually did</p> <p>14 those interviews even when they were remote.</p> <p>15 Q Did they do them by video?</p> <p>16 A Yes, ma'am.</p> <p>17 Q Okay. If ODO finds Stewart to be not in</p> <p>18 compliance with a PBNDs standard, what happens then?</p> <p>19 Is there a consequence?</p> <p>20 A It could be. It could result in a CDR.</p> <p>21 That's really for ICE to evaluate and make that</p> <p>22 determination as to whether or not they're going to</p> <p>23 issue a CDR. But for all, we would develop a</p> <p>24 corrective action plan and go through that same process</p> <p>25 as I described earlier for the facility, you know, us</p>
<p style="text-align: right;">Page 156</p> <p>1 RUSSELL WASHBURN</p> <p>2 looking for mechanisms to prevent reoccurrence for the</p> <p>3 future.</p> <p>4 Q Okay. And if there's a corrective action</p> <p>5 plan developed in response to an ODO noncompliance</p> <p>6 finding, does ODO conduct a re-audit?</p> <p>7 A I think they have done some reassessments</p> <p>8 on -- I don't know that it's a set requirement, but</p> <p>9 since I've been here, I do believe that they have come</p> <p>10 back and looked at some of the follow-ups. And, again,</p> <p>11 I apologize, I get confused between CRCL groups that</p> <p>12 have been here, the Nakamotos and the ODOs, but I think</p> <p>13 ODO does periodically, whether they physically come or</p> <p>14 ask for supporting documents to demonstrate compliance,</p> <p>15 I believe we have done that.</p> <p>16 Q Okay. How much notice do you typically get</p> <p>17 for an ODO audit?</p> <p>18 A That varies. There's not a set. I think the</p> <p>19 last time we were notified, it was like maybe a week</p> <p>20 before, but I've seen it as two or three weeks out,</p> <p>21 four weeks. I don't think I've seen anything further</p> <p>22 out than a four-week, but more often than not, it's</p> <p>23 less than that.</p> <p>24 Q Okay.</p> <p>25 MS. SANDLEY: Let's take a look at</p>	<p style="text-align: right;">Page 157</p> <p>1 RUSSELL WASHBURN</p> <p>2 Exhibit 13, CCBVA196130.</p> <p>3 (Exhibit 13 marked for identification.)</p> <p>4 Q (By Ms. Sandley) All right, this is an email</p> <p>5 thread that appears to be between John Bretz and</p> <p>6 Michael Donahue. Michael Donahue is a warden at</p> <p>7 Stewart, right?</p> <p>8 A Yes, ma'am, he's the previous warden prior to</p> <p>9 me.</p> <p>10 Q Okay. And those other folks listed in the cc</p> <p>11 block were also CoreCivic employees at Stewart,</p> <p>12 correct?</p> <p>13 A Yes, ma'am.</p> <p>14 Q Okay. Let's look at the first email in this</p> <p>15 thread. It's at the bottom of page 1. Okay, and it</p> <p>16 starts --</p> <p>17 MS. SANDLEY: Sorry, Jackie, just so we</p> <p>18 can see the "From" and "To."</p> <p>19 Q (By Ms. Sandley) Is this from -- Douglas</p> <p>20 Nagel, do you know who that is?</p> <p>21 A No, ma'am, I do not.</p> <p>22 Q All right. And it's to a bunch of people at</p> <p>23 ICE, correct?</p> <p>24 A Yes, ma'am.</p> <p>25 Q Okay. And let's look at page 3.</p>

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Okay, can you take a -- just take a minute to read this report about this detained person,

A Is there anything above where it says "Detainees are released"? Is this the whole piece of that other than -- I thought I saw something, but maybe that was just from the -- all right, maybe -- oh, wait a minute. Oh, it's a bleed-over from the previous page. So I need to start from "Detainees"? Is that where I need to start?

Q No. The name [REDACTED]

A All right.

Okay.

Q All right. The issue raised here in this email appears to be that this person's scheduled law library time sometimes overlapped with their work schedule; is that right?

A Yes, ma'am.

Q Okay. And that when he went to work late after going to the law library, his pay was docked. Do you agree?

A That's what's in the email, yes, ma'am.

Q Okay. Do detained people have control over the law library schedule at Stewart?

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A No.

Q That schedule is set by Stewart staff?

A That's correct.

Q And all detained people are entitled access to the law library, correct?

A Absolutely, yes, ma'am.

Q Work program participants are paid by the day, right?

A That's correct.

Q They're not paid by the hour, correct?

A That's correct.

Q Okay. So when a detained person's pay is docked because they're late to work, do you have any idea if that means they just weren't paid for the day or if they were paid less than what their day rate might have been? Have you ever seen that before?

A I have. And I would say to this that if a staff member did this, it would be an error. There's not a protocol that would take monies away from somebody who was attending the law library or established program. So, to me, this would be a one-off and potentially be a re-education opportunity for an employee.

Again, I don't know what the outcome of this

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was, did they remedy it, did they give him his money back, did they even ever take money. I don't know. But, to me, this would be an example of an employee who applies something that they just weren't authorized to apply.

Q What would have been a possible solution to this issue?

A I mean, we could have done a number of things. I mean, we could have evaluated the building schedule, we could have evaluated the law library schedule for that particular area in which the kitchen workers were coming out of and make an adjustment there. But the outcome shouldn't have been that, you know, we take monies away from somebody, if we did. You know, I'm assuming, based on this, that maybe that was originally, but I don't know what the final outcome was. That wouldn't have been the occurrence, but there are some other adjustments that could have been made as opposed to going down the path that it appears that this person at least was speculated to be going down.

Q Okay. So the law library schedule could have been adjusted?

A It could have. The work schedule could have been adjusted. I mean, it all depends -- you know, I

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don't know -- at that time, were all the detainees coming out of the same location? So it may have been a simple adjustment of law library access hours for that particular group. But even with that being said, if somebody has got an upcoming case and they need additional time, we would afford them that time to get to the law library and certainly wouldn't take monies away from them for not.

Q Okay.

MS. SANDLEY: Let's take a look at

Exhibit 14. It's CCBVA6239.

(Exhibit 14 marked for identification.)

Q (By Ms. Sandley) And, Warden, this is an ODO report dated July 31, 2019, correct?

A Yes, ma'am, it is.

Q Have you seen this before?

A I believe I have, yes.

Q Okay. Let's go to page 15.

Okay. Warden, do you see where it says under "Food Service," "ODO observed detainees cleaning cafeteria tables during the lunch meal on the first day of the inspection and observed improper cleaning/sanitizing techniques; tables were not adequately cleaned and sanitized during and after meal

<p style="text-align: right;">Page 162</p> <p>1 RUSSELL WASHBURN</p> <p>2 service"? Do you see that?</p> <p>3 A Yes, ma'am, I do.</p> <p>4 Q Okay. And written here it says, "Corrective</p> <p>5 Action: Prior to the completion of the inspection,</p> <p>6 corrective action plan was initiated by food service</p> <p>7 staff who instructed detainees in proper cleaning and</p> <p>8 sanitation procedures. ODO observed proper cleaning</p> <p>9 during the remainder of the inspection." Do you see</p> <p>10 that?</p> <p>11 A Yes, ma'am, I do.</p> <p>12 Q And the food service staff would be Trinity</p> <p>13 staff, right?</p> <p>14 A That's correct.</p> <p>15 Q Okay. So according to this ODO report, the</p> <p>16 tables in the cafeteria were not being adequately</p> <p>17 cleaned and the solution was to instruct detained</p> <p>18 workers on how to clean them better; do you agree?</p> <p>19 A Yes, ma'am. That's the way it's written here</p> <p>20 in the report, yes, ma'am.</p> <p>21 Q Okay.</p> <p>22 MS. SANDLEY: And let's look at the next</p> <p>23 exhibit, No. 15, CCBVA150697.</p> <p>24 (Exhibit 15 marked for identification.)</p> <p>25 Q (By Ms. Sandley) Okay. And, Warden</p>	<p style="text-align: right;">Page 163</p> <p>1 RUSSELL WASHBURN</p> <p>2 Washburn, is this one of those corrective action plans</p> <p>3 we were talking about earlier?</p> <p>4 A Yes, ma'am. And ICE refers to them as UCAP,</p> <p>5 which is a Uniform Corrective Action Plan. CoreCivic</p> <p>6 [indiscernible] as CAP, Correction Action Plan, so...</p> <p>7 Q Okay. ICE loves acronyms, right?</p> <p>8 A Yes, ma'am. So do we, though.</p> <p>9 (Discussion off the record.)</p> <p>10 Q (By Ms. Sandley) Let's look at page 2 of</p> <p>11 this document. And who creates these CAPs?</p> <p>12 A It would be facility staff. Typically the</p> <p>13 person that the deficiency falls in or the department</p> <p>14 would initiate the UCAP, in this case. Then it is</p> <p>15 presented to the appropriate leadership, whether that</p> <p>16 be the chief of security, chief of unit management,</p> <p>17 assistant wardens, as well as quality assurance</p> <p>18 manager, and then ultimately to me for review and final</p> <p>19 approval before we submit to our Facility Support</p> <p>20 Center, which then does another complete review process</p> <p>21 and then ultimately, once approved, submits to ICE.</p> <p>22 Q Okay. All right. And the first deficiency</p> <p>23 listed here is, "Sanitation in housing units, hold</p> <p>24 rooms, and the dining area was inadequate." Do you see</p> <p>25 that?</p>
<p style="text-align: right;">Page 164</p> <p>1 RUSSELL WASHBURN</p> <p>2 A Yes, ma'am, I do.</p> <p>3 Q Okay. And it says under "Corrections Made,"</p> <p>4 "During the August 2019 town hall meetings with the</p> <p>5 detainees, unit teams clarified sanitation expectations</p> <p>6 in the units."</p> <p>7 So with regard to the sanitation in the</p> <p>8 units, according to this CAP, the corrective action was</p> <p>9 to clarify sanitation expectations with detainees?</p> <p>10 A Yes, ma'am. And that's consistent with the</p> <p>11 PBNDs standards, if you look at 5.8, where it talks</p> <p>12 about the persons are responsible for keeping their</p> <p>13 living areas sanitized and cleaned.</p> <p>14 Q Okay. And it doesn't say that there was any</p> <p>15 clarification regarding unit sanitation made with</p> <p>16 CoreCivic staff, correct?</p> <p>17 A Not in this corrective action plan, no.</p> <p>18 Q Okay. And let's look at the next page. It</p> <p>19 goes on to say -- at the very end of this column, it</p> <p>20 says "Additional workers." Do you see that?</p> <p>21 A The "As noted" -- yes, "Additional workers</p> <p>22 have been..."</p> <p>23 Q Okay. So it says, "Additional workers have</p> <p>24 been assigned and trained to properly clean and</p> <p>25 sanitize the dining areas." And it could be that this</p>	<p style="text-align: right;">Page 165</p> <p>1 RUSSELL WASHBURN</p> <p>2 is related to that -- the tables in the chow hall issue</p> <p>3 that we saw in the previous exhibit we looked at,</p> <p>4 right?</p> <p>5 A It could be. Can we scroll back up? Does it</p> <p>6 have a number or anything to the left that typically</p> <p>7 would associate it with the finding? So it's under the</p> <p>8 Environmental Health and Safety standards. I hate to</p> <p>9 ask you, but if we'd flip back just to confirm that it</p> <p>10 is under the Environmental Health and Safety. I didn't</p> <p>11 look at that when I last -- the actual report.</p> <p>12 Q It's okay. Let's look at the sentence before</p> <p>13 that. It says, "As noted on the ODO report, dining</p> <p>14 room sanitation was corrected during the inspection."</p> <p>15 Do you see that?</p> <p>16 A Yes, ma'am, I do.</p> <p>17 Q Okay. So the corrective action to the dining</p> <p>18 room sanitation issue was that additional detained</p> <p>19 workers were assigned to clean the dining areas; is</p> <p>20 that correct?</p> <p>21 A That's what is stated in the UCAP yes, ma'am.</p> <p>22 Q Okay. And the UCAP doesn't say anything</p> <p>23 about instructing CoreCivic staff on properly cleaning</p> <p>24 the dining areas, correct?</p> <p>25 A Not in that section. I mean, it does talk</p>

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2 about above that where managers will be responsible for

3 ensuring the issues notated on the forms are addressed.

4 Q Okay, but that's in relation to the intake

5 and discharge areas, correct?

6 A Yes. On two pages, it's hard --

7 Q I know.

8 A It appears -- related to this corrective

9 action, it appears there's a couple issues that they

10 were addressing in this corrective -- I don't believe

11 that first part is relative to the kitchen. It doesn't

12 appear to be.

13 Q Right. So that's talking about the housing

14 units, correct?

15 A Right.

16 Q Okay. And then let's scroll down. That next

17 paragraph or chunk is talking about intake/discharge,

18 correct?

19 A Yes, ma'am. Okay.

20 Q And then the third one is talking about the

21 dining room?

22 A Yes.

23 Q All right. So under the dining room, it

24 doesn't say anything about CoreCivic staff being

25 instructed on properly cleaning the dining areas,

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2 standards, so there's really not a lot of

3 difference.

4 Q (By Ms. Sandley) Okay, so generally the same

5 process, correct?

6 A Yes, ma'am.

7 Q And they're auditing to PBNDs standards,

8 correct?

9 A Correct. And they also interview staff, ICE

10 staff, as well as detainees while they're here on site.

11 Q Okay. And apart from during COVID, Nakamoto

12 does on-site inspections?

13 A Yes. The last one we had was actually

14 physically on site.

15 Q Okay. And does Nakamoto interview staff?

16 A Yes.

17 Q Does Nakamoto interview detained people?

18 A Yes.

19 Q Okay. Do you know about how much notice you

20 typically get for Nakamoto audits?

21 A I think it's about the same. There's not,

22 you know, a lead time in the notifications. What I've

23 also found is that they change pretty frequently too,

24 either coming sooner or coming late, so they do change

25 from time to time from the original date that was

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2 correct?

3 A It does not.

4 Q And it doesn't say anything about adding

5 additional Trinity or CoreCivic staff to clean the

6 dining areas, correct?

7 A It does not.

8 MS. SANDLEY: Okay, let's take this

9 down.

10 Q (By Ms. Sandley) ICE's Enforcement and

11 Removal Operations also audits Stewart, correct?

12 A Yes.

13 Q And they're known as ERO?

14 A Yes, ma'am.

15 Q ERO contracts with a company called Nakamoto

16 to conduct those audits, correct?

17 A Yes, ma'am.

18 Q Okay. And is there anything significantly

19 different from the ODO -- between the ODO audits and

20 the Nakamoto audits?

21 A There's really not --

22 MR. LEE: Form.

23 THE WITNESS: I'm sorry.

24 There's really not a lot of differences.

25 I mean, they're both auditing to ICE PBNDs

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2 provided.

3 Q Okay.

4 MS. SANDLEY: Let's look at Exhibit

5 16, CCBVA6060.

6 (Exhibit 16 marked for identification.)

7 Q (By Ms. Sandley) All right, and this is a

8 Nakamoto audit report, correct?

9 A It is, yes, ma'am.

10 Q It's dated May 9th, 2019?

11 A Yes.

12 Q Let's look at page 2.

13 Okay, so Nakamoto reports that Stewart was

14 found to meet standards in all applicable areas in

15 2018; is that right?

16 A Yes.

17 Q And then in 2019, Nakamoto reports Stewart

18 met standards in 39 -- in all of the applicable areas,

19 correct?

20 A Yes, ma'am.

21 Q Okay. And it goes on to say right under

22 those tables that "The inspection team identified four

23 deficient components in the following four standards."

24 What's the difference between being found

25 deficient by Nakamoto and not meeting the standard?

<p style="text-align: right;">Page 170</p> <p>1 RUSSELL WASHBURN</p> <p>2 MR. LEE: Form and foundation.</p> <p>3 THE WITNESS: I don't know if there is a</p> <p>4 difference. I'd be curious if there was --</p> <p>5 if they audited them twice in 2019. I don't</p> <p>6 know. But if there was a deficiency, they</p> <p>7 should be under that category "Does Not Meet</p> <p>8 Standards" unless there was a previous 2019</p> <p>9 in front of this one and they're referencing</p> <p>10 that. And, again, I'd have to go back and</p> <p>11 look to see if they actually had two</p> <p>12 Nakamotos in that single year.</p> <p>13 MS. SANDLEY: Okay.</p> <p>14 THE WITNESS: Or it could be just an</p> <p>15 error in the report.</p> <p>16 MS. SANDLEY: Right.</p> <p>17 Q (By Ms. Sandley) Let's look at page 4. And</p> <p>18 do Nakamoto reports typically include the inspection</p> <p>19 worksheet?</p> <p>20 A Yes.</p> <p>21 Q And is that the tool that Nakamoto uses when</p> <p>22 it's conducting the audit?</p> <p>23 A Yes, ma'am.</p> <p>24 Q To your understanding, does the inspection</p> <p>25 worksheet include everything that Nakamoto is looking</p>	<p style="text-align: right;">Page 171</p> <p>1 RUSSELL WASHBURN</p> <p>2 at in the course of the audit?</p> <p>3 A I believe it does. Like I said, it's pretty</p> <p>4 thick. It's about as thick as a phone book usually, so</p> <p>5 I would say it includes everything.</p> <p>6 Q Okay. Well, speaking of thick as a phone</p> <p>7 book, let's look at page 145 of this document.</p> <p>8 Okay. And we're going to scroll down to</p> <p>9 where the work program standard starts. It might be --</p> <p>10 there we go, 146.</p> <p>11 So this is the portion of the inspection</p> <p>12 worksheet related to PBNS Standard 5.8 about the</p> <p>13 voluntary work program, correct?</p> <p>14 A Yes, ma'am, it is.</p> <p>15 Q Okay. Under Component 1, where it says,</p> <p>16 "Detainees who are physically and mentally able to work</p> <p>17 shall be provided the opportunity to participate in a</p> <p>18 voluntary work program."</p> <p>19 So in this audit, Nakamoto found that Stewart</p> <p>20 was meeting this standard, correct?</p> <p>21 A Correct.</p> <p>22 Q And there are no remarks here?</p> <p>23 A Correct.</p> <p>24 Q Do you know how Nakamoto assesses compliance</p> <p>25 with this component?</p>
<p style="text-align: right;">Page 172</p> <p>1 RUSSELL WASHBURN</p> <p>2 A Through review of documentation, through</p> <p>3 review of, of course, the standard, and then through</p> <p>4 personal observations as well as interviews.</p> <p>5 Q What kinds of documents would Nakamoto look</p> <p>6 at to assess compliance with the standard?</p> <p>7 A The work packets that each of the detainees</p> <p>8 has to complete and, as well, staff have to complete</p> <p>9 for the voluntary work program. There's a good number</p> <p>10 of individual documents. You know, it would also be</p> <p>11 some medical documents if there was food service, make</p> <p>12 sure that they were cleared medically to work in that</p> <p>13 kind of area. I don't have the packet right in front</p> <p>14 of me.</p> <p>15 There's several forms, several documents that</p> <p>16 a person -- it has to originate with the detainee</p> <p>17 requesting to go to work, and then there's other</p> <p>18 documents for classification that they have to look at</p> <p>19 as well.</p> <p>20 Q Okay. Let's look at Component 7. It says,</p> <p>21 "Detainees who participate in the volunteer work</p> <p>22 program are required to work according to a fixed</p> <p>23 schedule that does not exceed 8 hours daily, 40 hours</p> <p>24 weekly."</p> <p>25 And Nakamoto found Stewart to be compliant on</p>	<p style="text-align: right;">Page 173</p> <p>1 RUSSELL WASHBURN</p> <p>2 this component, right?</p> <p>3 A Correct.</p> <p>4 Q And there are no remarks, correct?</p> <p>5 A That's correct.</p> <p>6 Q How does Nakamoto assess compliance with this</p> <p>7 component?</p> <p>8 A Looking at the actual work schedules, looking</p> <p>9 at the pay sheets for the detainees, and then, of</p> <p>10 course, through detainee interviews for those who are</p> <p>11 working on specific assignments. So whenever they</p> <p>12 come, they routinely do talk to the kitchen workers,</p> <p>13 the laundry workers, and those individuals that are in</p> <p>14 those prospective work areas. So through review of</p> <p>15 documents as well actual interviews with the</p> <p>16 population.</p> <p>17 Q Which documents would show how many hours per</p> <p>18 day detained workers are working?</p> <p>19 A There's a work schedule, I believe, that is</p> <p>20 put out, and they actually have their actual work hours</p> <p>21 and their schedule.</p> <p>22 Q So the schedule would show how many hours</p> <p>23 detained workers are scheduled to work, right?</p> <p>24 A Correct.</p> <p>25 Q Is there a document that would show how many</p>

<p style="text-align: right;">Page 174</p> <p>1 RUSSELL WASHBURN</p> <p>2 hours detained workers actually worked?</p> <p>3 A I don't know that we have a process for</p> <p>4 tracking. I don't know that we don't. I'd have to go</p> <p>5 back and actually look at that piece, but I'm not sure</p> <p>6 that we do have an actual sign-in/sign-out kind of a</p> <p>7 system.</p> <p>8 Q Is that something that you've ever looked at</p> <p>9 since you've been warden at Stewart, how many hours per</p> <p>10 day detained workers are working?</p> <p>11 A Not to say that I've looked at and measured</p> <p>12 to see if we had a component. I looked at the</p> <p>13 schedules to ensure that we're not scheduling those to</p> <p>14 work in excess of what the standard allows. And I will</p> <p>15 say more often than not, they're not working even close</p> <p>16 to these hours, for a variety of reasons. You know,</p> <p>17 prisons and detention centers are not always routine</p> <p>18 and can't always happen at the right time, but I would</p> <p>19 say more often than not, they're well below that 40</p> <p>20 hours per week.</p> <p>21 Q How do you know that?</p> <p>22 A Just simply being in the building and doing</p> <p>23 this for the last 26 years, there's no doubt in my mind</p> <p>24 that if they were, when I'm standing there at the chow</p> <p>25 hall or going into those locations, the population</p>	<p style="text-align: right;">Page 175</p> <p>1 RUSSELL WASHBURN</p> <p>2 would tell me if they were being required to do</p> <p>3 something that's outside the standards. They have</p> <p>4 grievance opportunities that they can file that they're</p> <p>5 being required to do things that's outside of the</p> <p>6 requirements of the standards. And all of these rules</p> <p>7 and regulations are clearly shown to the detainees.</p> <p>8 So, again, just my pure experience, the</p> <p>9 population would tell me if we were doing things</p> <p>10 outside the scope of the standard.</p> <p>11 Q Okay. But there's no documentation that</p> <p>12 you're aware of that would show how many hours per day</p> <p>13 detained workers are working, right?</p> <p>14 A I don't want to certify that there's not, not</p> <p>15 that I personally inspected, so -- I certainly will,</p> <p>16 but not that I'm -- not that I'm a hundred -- I can't</p> <p>17 say exclusively there's not.</p> <p>18 Q Okay. Let's look at Component 8. "Detainees</p> <p>19 shall receive monetary compensation for work completed</p> <p>20 in accordance with the facility's standard policy of at</p> <p>21 least \$1 per day."</p> <p>22 Nakamoto found that Stewart was in compliance</p> <p>23 with this, correct?</p> <p>24 A Yes, ma'am.</p> <p>25 Q And the notes say, "Detainees are compensated</p>
<p style="text-align: right;">Page 176</p> <p>1 RUSSELL WASHBURN</p> <p>2 \$1 to \$4 a day for their work. The pay rate is</p> <p>3 determined by the job assignment."</p> <p>4 How does Nakamoto assess whether detained</p> <p>5 workers are, in fact, compensated for their work?</p> <p>6 A Through the business office and they actually</p> <p>7 inspect payment records to ensure that the detainees</p> <p>8 are receiving their monies.</p> <p>9 Q Okay. And those payment records reflect</p> <p>10 money deposited on detained workers' accounts, correct?</p> <p>11 A That's correct.</p> <p>12 Q They do not reflect any payment made in the</p> <p>13 form of phone cards, correct?</p> <p>14 A No, it would not show that.</p> <p>15 Q And the payment records show who was paid,</p> <p>16 correct?</p> <p>17 A Yes. The payment records would show those</p> <p>18 who -- for the dollar amount that were physically</p> <p>19 applied with currency, yes.</p> <p>20 Q Does Nakamoto do anything to figure out if</p> <p>21 there were people who were not paid?</p> <p>22 A I don't know that -- no, not that I'm aware</p> <p>23 of. I mean, they have the -- who's approved to work</p> <p>24 and they have that list of individuals, and so they</p> <p>25 randomly select those individuals that are on those</p>	<p style="text-align: right;">Page 177</p> <p>1 RUSSELL WASHBURN</p> <p>2 approved work site schedules. To what degree they go</p> <p>3 and how many they look at, I don't know. It really</p> <p>4 kind of depends on the auditor, I would assume.</p> <p>5 Q They randomly select them to audit their</p> <p>6 detention files?</p> <p>7 A Yes.</p> <p>8 Q Okay, and their pay records?</p> <p>9 A Yes, they give us the -- "This is the ones</p> <p>10 that I want to look at."</p> <p>11 Q Okay. Do you remember about how many</p> <p>12 detained workers' files Nakamoto audits?</p> <p>13 A No, ma'am, because I'm not necessarily with</p> <p>14 each and every one of the auditors. My staff would be</p> <p>15 with them, so I don't know. And I don't know that</p> <p>16 there's a set expectation for them either. I'm not</p> <p>17 saying that there's not, but I'm just not aware if</p> <p>18 there is.</p> <p>19 Q Okay. Let's scroll through. I want you to</p> <p>20 take a look at the rest of this audit tool for</p> <p>21 Standard 5.8.</p> <p>22 A Are you wanting me to read the whole thing?</p> <p>23 Because it scrolled pretty fast.</p> <p>24 Q Yeah, we can scroll up if we need to.</p> <p>25 A That's good there.</p>

<p style="text-align: right;">Page 178</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Okay.</p> <p>3 A Okay.</p> <p>4 Q Is there a component in this audit tool --</p> <p>5 well, let's scroll down. I want to be sure you see the</p> <p>6 end of it.</p> <p>7 A Okay.</p> <p>8 Q Okay.</p> <p>9 A Okay.</p> <p>10 Q Is there a component in this audit tool that</p> <p>11 looks at whether detained people are threatened with</p> <p>12 discipline if they refuse to work?</p> <p>13 A Not that I read in the standard, no.</p> <p>14 Q And is there a component in this audit tool</p> <p>15 that looks at whether detained people work because they</p> <p>16 need money to buy food?</p> <p>17 MR. LEE: Object to form.</p> <p>18 THE WITNESS: No. But, again, we're not</p> <p>19 privy to the interviews, and so it very well</p> <p>20 could be a part of the actual in-person</p> <p>21 interviews that take place between the</p> <p>22 auditor and detainee. I'm not saying that it</p> <p>23 is, but it very well could be a component of</p> <p>24 that dialogue.</p> <p>25 Q (By Ms. Sandley) Okay, but Nakamoto is only</p>	<p style="text-align: right;">Page 179</p> <p>1 RUSSELL WASHBURN</p> <p>2 auditing for compliance or not with the components</p> <p>3 listed in this worksheet, right?</p> <p>4 MR. LEE: Object to form.</p> <p>5 THE WITNESS: They're auditing to the</p> <p>6 standard, and the standard clearly states</p> <p>7 that it's a voluntary work program.</p> <p>8 Q (By Ms. Sandley) Okay, but Nakamoto has</p> <p>9 broken down the standard into -- for its auditing</p> <p>10 purposes, into the components that we just looked at,</p> <p>11 right?</p> <p>12 MR. LEE: Form and foundation.</p> <p>13 THE WITNESS: As far as the actual</p> <p>14 indicators, yes, you're accurate in your</p> <p>15 statement.</p> <p>16 Q (By Ms. Sandley) Okay, and there's not an</p> <p>17 indicator that looks at whether detained people are</p> <p>18 working because they need money to buy food, right?</p> <p>19 A No. Not in the indicators, no.</p> <p>20 Q Okay. There's not an indicator that relates</p> <p>21 to how CoreCivic recruits workers, correct?</p> <p>22 A No.</p> <p>23 Q And there's not an indicator that looks at</p> <p>24 what types of jobs detained workers are doing, correct?</p> <p>25 MR. LEE: Objection to form.</p>
<p style="text-align: right;">Page 180</p> <p>1 RUSSELL WASHBURN</p> <p>2 THE WITNESS: No.</p> <p>3 Q (By Ms. Sandley) And there's not an</p> <p>4 indicator that looks at how many detained workers are</p> <p>5 being used at Stewart, right?</p> <p>6 MR. LEE: Object to form.</p> <p>7 THE WITNESS: No.</p> <p>8 MS. SANDLEY: Okay. All right, Warden,</p> <p>9 I have a few more audit questions for you.</p> <p>10 We can keep going with audits and break after</p> <p>11 that. Are you good with that?</p> <p>12 THE WITNESS: I'm good, yes, ma'am.</p> <p>13 MS. SANDLEY: Okay, let's take this</p> <p>14 exhibit down.</p> <p>15 Q (By Ms. Sandley) Stewart is also audited and</p> <p>16 accredited by the American Correctional Association,</p> <p>17 right?</p> <p>18 A Yes, ma'am.</p> <p>19 Q And how often does ACA assess accreditation</p> <p>20 for Stewart?</p> <p>21 A Every three years.</p> <p>22 Q Okay. And is ACA's audit and accreditation</p> <p>23 process significantly different from the ODO and the</p> <p>24 Nakamoto audits?</p> <p>25 A They audit to standards that are national</p>	<p style="text-align: right;">Page 181</p> <p>1 RUSSELL WASHBURN</p> <p>2 standards, national detention standards, you know, for</p> <p>3 detention facilities across -- so there's some</p> <p>4 differences, but, of course, many of the actual</p> <p>5 individual standards are supported by policy or by</p> <p>6 PBNDs standards to prove the standard, along with any</p> <p>7 documentation that would be necessary to demonstrate</p> <p>8 compliance with.</p> <p>9 And, of course, those files -- I guess the</p> <p>10 biggest difference is they're auditing over a</p> <p>11 three-year period, where ODO or Nakamoto would be</p> <p>12 auditing from the date of the end of their previous</p> <p>13 review. So it's significantly -- so there's a</p> <p>14 significant higher amount of documents and time that</p> <p>15 they're evaluating versus the ODO, Nakamoto, and others</p> <p>16 that would be doing either annual, semiannual, or in</p> <p>17 some cases quarterly reviews.</p> <p>18 Q Okay. And you said ACA audits to standards.</p> <p>19 That's a different set of standards than the PBNDs,</p> <p>20 correct?</p> <p>21 A Yes, ma'am. There are national standards</p> <p>22 that have been built for detention centers and</p> <p>23 facilities.</p> <p>24 Q Okay. The ACA standards that apply to</p> <p>25 Stewart, are they -- do they also apply to jails?</p>

<p style="text-align: right;">Page 182</p> <p>1 RUSSELL WASHBURN</p> <p>2 A Some could. Not to say that they all would.</p> <p>3 Some may be nonapplicable in those locations, just as</p> <p>4 there's not applicable standards that to apply to</p> <p>5 Stewart, you know, so the audit committee -- I mean, of</p> <p>6 course, the facility looks at that and determines</p> <p>7 whether or not they believe it to be applicable versus</p> <p>8 nonapplicable. But during the audit process, the ACA</p> <p>9 auditors could deem a file that we've said "Hey, it's</p> <p>10 not applicable" to be applicable or vice versa.</p> <p>11 So they are the final authority as to whether</p> <p>12 or not it should be classified as applicable versus</p> <p>13 nonapplicable or mandatory standard versus a</p> <p>14 nonmandatory standard. I'm probably hurting your brain</p> <p>15 with all that, but that --</p> <p>16 Q That's all right. Let me see if we can break</p> <p>17 it down.</p> <p>18 So the ACA standards that ACA uses to</p> <p>19 accredit Stewart are not necessarily tailored to</p> <p>20 immigration detention centers, right?</p> <p>21 MR. LEE: Foundation.</p> <p>22 THE WITNESS: No, the actual standard is</p> <p>23 not, but the documents to prove the standard</p> <p>24 or compliance to the standard would come from</p> <p>25 ICE standards or policies that have been</p>	<p style="text-align: right;">Page 183</p> <p>1 RUSSELL WASHBURN</p> <p>2 approved through ICE that are applicable to</p> <p>3 Stewart.</p> <p>4 Q (By Ms. Sandley) Okay, and then there's some</p> <p>5 flexibility during the accreditation process for</p> <p>6 determining whether or not a particular standard</p> <p>7 applies at Stewart; is that correct?</p> <p>8 A That's correct, but the final authority rests</p> <p>9 not with the facility or with me. It rests with ACA.</p> <p>10 Q Okay. And when ACA finds that Stewart is not</p> <p>11 in compliance with one of its standards, is there a</p> <p>12 corrective action process?</p> <p>13 A There is. Part of that is that myself, as</p> <p>14 well as the QA manager, we would actually have to</p> <p>15 attend a panel hearing of ACA-trained individuals that</p> <p>16 are not a part of the audit. They reviewed the audit</p> <p>17 and they reviewed whatever those standards that were</p> <p>18 found to be noncompliant, and those can only be a</p> <p>19 nonmandatory standard. You can't be ACA-accredited and</p> <p>20 have a mandatory standard that you weren't compliant</p> <p>21 with. That will stop the process right there.</p> <p>22 So we're only talking about those standards</p> <p>23 that ACA has defined as nonmandatory. And so we go</p> <p>24 through that process. I would then submit either -- a</p> <p>25 rebuttal, if we disagreed with the finding, and give</p>
<p style="text-align: right;">Page 184</p> <p>1 RUSSELL WASHBURN</p> <p>2 that committee the reason for the rebuttal. They would</p> <p>3 then evaluate whether or not they would accept that</p> <p>4 rebuttal, apply a waiver, or accept the corrective</p> <p>5 action plan that we have prepared for that particular</p> <p>6 standard.</p> <p>7 So there are several ways that that can come</p> <p>8 about. Or the committee can look at it and say that</p> <p>9 the auditing committee was off base and they were wrong</p> <p>10 and it's not noncompliant, it's compliant, based on the</p> <p>11 information that they have, so...</p> <p>12 Q Okay. About how much notice do you get for</p> <p>13 ACA audits?</p> <p>14 A ACA is a little longer. I would say -- we</p> <p>15 know a roundabout time frame just from our previous</p> <p>16 audit, but the actual -- the week they're going to be</p> <p>17 here, I would say we probably know about three or four</p> <p>18 months, maybe five months before they're physically</p> <p>19 going to be on site. But, again, we pretty much know</p> <p>20 the standard time that our audit is going to fall just</p> <p>21 because that's the cycle of ACA.</p> <p>22 Q Okay.</p> <p>23 MS. SANDLEY: Let's look at Exhibit 17,</p> <p>24 CCBVA150628.</p> <p>25 (Exhibit 17 marked for identification.)</p>	<p style="text-align: right;">Page 185</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q (By Ms. Sandley) And while we're pulling</p> <p>3 this up, was Stewart re-accredited by ACA this year?</p> <p>4 A Last.</p> <p>5 Q Last year.</p> <p>6 A Time flies. It had to be last year because I</p> <p>7 just got here last year. So, yes, last year.</p> <p>8 Q You've had an ACA audit under your tenure at</p> <p>9 Stewart?</p> <p>10 A Yes, ma'am. Yes, ma'am.</p> <p>11 Q Okay. And this is an ACA accreditation</p> <p>12 report, correct?</p> <p>13 A Yes, ma'am.</p> <p>14 Q Let's scroll down a little bit so we can see</p> <p>15 the date. I think it's on the next page.</p> <p>16 A 2018.</p> <p>17 Q Yeah. And let's go to page 47.</p> <p>18 Okay. Do you see where it says "Standard</p> <p>19 5C-07"?</p> <p>20 A Yes, ma'am.</p> <p>21 Q And that's referring to one of those ACA</p> <p>22 standards, correct?</p> <p>23 A That's correct.</p> <p>24 Q And it says, "The facility can require all</p> <p>25 sentenced inmates to work if they are not assigned to</p>

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2 programs," right?

3 A That's correct.

4 Q Okay. And that's a standard that applies in

5 criminal punishment facilities, correct?

6 A That's correct.

7 Q Okay. CoreCivic is not permitted to require

8 people detained at Stewart to work?

9 A Correct, as it states there in the findings.

10 Q Yeah, okay. How did ACA determine that

11 detained people at Stewart are not required to work?

12 A They would have reviewed the -- of course,

13 the standards, the 5.8 standards, as well as any

14 policies associated with -- you know, and our work

15 program. I mean, it's a voluntary work program, so

16 they would have visited and looked at, and they also

17 interview staff and detainees alike.

18 Q Okay. And this finding says, "The detainees

19 are not required to participate in a mandatory work

20 program per CoreCivic's contract with ICE and PBNS

21 standards," correct?

22 A Yes, ma'am.

23 Q And it doesn't mention that that finding was

24 based on any interviews with detained people, right?

25 A It does not in the standard, no.

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2 Q Okay. And then does Stewart -- is it

3 typically the same team of five people who come to

4 Stewart year after year?

5 A More often than not. You may have the

6 one-off change, like I said, if somebody is on vacation

7 or ill or whatever and they have to take somebody from

8 the other team, whether it's for safety or whether it's

9 for the team lead or security. But more often than not

10 it's pretty much, traditionally, the same people.

11 Q Okay. When FSC audits Stewart, is it

12 auditing for compliance with certain standards?

13 A Yes.

14 Q Which standards?

15 A It's more customer-based, so a lot of it's

16 PBNS standards. If you look at our policies, and I

17 know you've seen them, you see there's a lot of

18 reference to PBNS standards -- it's not specific to

19 Stewart -- they're auditing us to those standards.

20 Q Does FSC also audit for compliance with

21 CoreCivic standards?

22 A Yes. Yeah, yeah, because all of our --

23 essentially our HR components, for example, are going

24 to be -- for hiring practices and vacation time, that's

25 going to be 100 percent exclusive -- specific to

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2 Q Okay.

3 MS. SANDLEY: Okay, let's take this

4 exhibit down.

5 Q (By Ms. Sandley) I know you talked some with

6 Mr. Howard about CoreCivic's internal quality assurance

7 process. I want to ask you a little bit more about

8 that. Does the FSC audit Stewart?

9 A Yes, ma'am.

10 Q How often do they audit?

11 A At least annually.

12 Q Okay. And who does those audits?

13 A It's the -- we actually have designated audit

14 teams. That's their exclusive job role, is to conduct

15 unannounced audits at all of our sites annually.

16 Q Okay. Are there specific people at FSC who

17 are assigned to audit Stewart?

18 A Well, I mean, it's the same -- I think

19 there's ten people total. It's usually five-member

20 teams. There's team leads, and the two teams pretty

21 much stay together. Sometimes they'll intermix if

22 somebody is on leave or whatever; but for the most

23 part, those teams stay together. And they go through

24 training there at FSC on various contracts and those

25 types of things as well.

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2 CoreCivic. But, yes, they would be auditing to

3 CoreCivic policy and ICE standards, ACA. They're also

4 going to look at ACA files while they're here to make

5 sure that we're moving -- keeping/maintaining

6 compliance consistently and not just waiting until the

7 third year to try to get everything put together. So

8 they look at a lot of things while they're here.

9 Q So FSC comes on site to Stewart during the

10 course of their audit?

11 A Yes, ma'am.

12 Q And do they review documents on site?

13 A A lot of them, yes, ma'am.

14 Q Do they review documents beforehand?

15 A I'm sure they -- yeah, in fact, I know they

16 do because some of them are computer documents that

17 they have access to specifically, to, like, HR

18 documents, medical, looking in our medical --

19 electronic medical records. I'll get it out. So some

20 of those reviews are done prior to their arrival.

21 Q Okay. Do they interview staff?

22 A They do.

23 Q Do they interview detained people?

24 A They do.

25 Q About how much notice do you get of FSC

<p style="text-align: right;">Page 190</p> <p>1 RUSSELL WASHBURN</p> <p>2 audits?</p> <p>3 A When they show up on my doorstep.</p> <p>4 Q Okay. So no advanced notice?</p> <p>5 A No. I mean, we -- they do tell us, like,</p> <p>6 what half of the year, but that's all you'll really</p> <p>7 know. Other than that, they show up on a Monday</p> <p>8 morning or a Tuesday morning and "Surprise, we're here"</p> <p>9 and it's time to do the audit.</p> <p>10 Q And is there a corrective action plan process</p> <p>11 for FSC audits?</p> <p>12 A Yes, ma'am, and it's really exactly the same</p> <p>13 minus we don't send it to the partner.</p> <p>14 Q Okay. Does FSC conduct a re-audit to</p> <p>15 evaluate that the corrective action plan has been</p> <p>16 implemented?</p> <p>17 A No, not unless there's an absolute need to do</p> <p>18 so, but typically not. What they're going to be</p> <p>19 looking at, obviously, from year to year -- repeat</p> <p>20 findings are not something that is, I'll say,</p> <p>21 desirable.</p> <p>22 MS. SANDLEY: Okay. Let's look at</p> <p>23 Exhibit 18, CCBVA274977.</p> <p>24 (Exhibit 18 marked for identification.)</p> <p>25 Q (By Ms. Sandley) Okay, and is this an</p>	<p style="text-align: right;">Page 191</p> <p>1 RUSSELL WASHBURN</p> <p>2 example of the audit tool that the FSC uses for its</p> <p>3 audits at Stewart?</p> <p>4 A Back then, yes, ma'am.</p> <p>5 Q Okay. I know this is before your time at</p> <p>6 Stewart, but you were a warden in 2013, right?</p> <p>7 A Yes, ma'am.</p> <p>8 Q Okay. And there were, I assume, FSC audits</p> <p>9 at your facility too, correct?</p> <p>10 A Yes, ma'am.</p> <p>11 Q Okay.</p> <p>12 A Yeah, I'm very familiar with the document.</p> <p>13 It's not what's in existence today. It's pretty old.</p> <p>14 Q Understood.</p> <p>15 Let's look at page 157.</p> <p>16 Okay, and this is the "Food Service" section</p> <p>17 of this audit tool, correct?</p> <p>18 A Yes, ma'am.</p> <p>19 Q All right. So under the first indicator, it</p> <p>20 says, "Review the LEAP spreadsheet." What's the LEAP</p> <p>21 spreadsheet?</p> <p>22 A I'm sorry, where are you -- oh, I see it.</p> <p>23 "Review the LEAP spreadsheet." I'm not sure what that</p> <p>24 acronym stands for. I'm sure it's some food service</p> <p>25 form, but I'm not sure what that is.</p>
<p style="text-align: right;">Page 192</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q And this is to evaluate inmate work</p> <p>3 attendance?</p> <p>4 A Yes. "Review the LEAP spreadsheet." Again,</p> <p>5 I'm sure it's some kind of sign-in/sign-out tracking</p> <p>6 document that they would have had back then. But,</p> <p>7 again, that's pure speculation. I'd have to go back</p> <p>8 and look and see what that LEAP stands for.</p> <p>9 Q Does the FSC audit tool still include an</p> <p>10 indicator for inmate work attendance?</p> <p>11 A I think it does, but I'd have to go back and</p> <p>12 look. I believe -- and I'm not sure about attendance.</p> <p>13 I know it's got some things about work programs, things</p> <p>14 of that nature. But many of those, you know,</p> <p>15 specifically around requirements, would be N/A for us.</p> <p>16 Q And this says, "If the average is over 15</p> <p>17 percent, ask to see documentation to CCA pertaining to</p> <p>18 this subject," and then it gives some examples. It</p> <p>19 says, "Ask to see DR." Is a DR a disciplinary report?</p> <p>20 A It would be, yes.</p> <p>21 Q Okay. And then it says, "If no</p> <p>22 communication, results in NP." What does NP stand for?</p> <p>23 A I'm not sure.</p> <p>24 Q Okay. The choices in the "Answer" column</p> <p>25 here, there's five, right? Can you tell me what each</p>	<p style="text-align: right;">Page 193</p> <p>1 RUSSELL WASHBURN</p> <p>2 of those --</p> <p>3 A Yeah. Satisfactory, Needs Improvement,</p> <p>4 Nonperforming, N/A is Nonapplicable, and NSD is -- I'm</p> <p>5 not sure what NSD is.</p> <p>6 Q Okay.</p> <p>7 A Not scored, maybe, deficient. I don't know.</p> <p>8 I'm guessing there, so...</p> <p>9 Q Okay. So according to this audit tool, if</p> <p>10 there's no documentation of communication relating to</p> <p>11 an inmate absentee rate exceeding 15 percent, a</p> <p>12 facility can be found nonperforming; is that correct?</p> <p>13 A Or needs improvement.</p> <p>14 Q Needs improvement?</p> <p>15 A Yeah, there's a needs improvement or</p> <p>16 nonperforming. Now, if they never did it, if this</p> <p>17 standard is applicable -- and, again, this is just --</p> <p>18 it looks like the generic form. I'm not sure how, in</p> <p>19 2013, they scored Stewart specific. It very well could</p> <p>20 be an N/A.</p> <p>21 Q Okay. And it says here, "If no</p> <p>22 communication, results in NP."</p> <p>23 A Yeah, and I'm not sure what that NP</p> <p>24 references.</p> <p>25 Q Okay. Could it be the NP in the "Answer"</p>

<p style="text-align: right;">Page 194</p> <p>1 RUSSELL WASHBURN</p> <p>2 column?</p> <p>3 A It could be, yes, again, if this standard is</p> <p>4 applicable.</p> <p>5 Q The next one is -- did you review any of</p> <p>6 these FSC audits in preparing for this deposition</p> <p>7 today?</p> <p>8 A I looked briefly over the FSC ones. I spent</p> <p>9 more time on the partner, ODO, Nakamoto. I did scan</p> <p>10 through briefly, yes.</p> <p>11 Q Okay. So looking at the next indicator,</p> <p>12 "Inmate work schedule," this only relates to kitchen</p> <p>13 worker schedules, right?</p> <p>14 A Yes.</p> <p>15 Q Okay. Does the FSC still look at kitchen</p> <p>16 worker schedules?</p> <p>17 A Yes. At applicable facilities, yes, they</p> <p>18 would.</p> <p>19 Q Do they look at the kitchen worker schedules</p> <p>20 at Stewart?</p> <p>21 A I think they look at schedules just to make</p> <p>22 sure we have them to make sure that, again, it's</p> <p>23 consistent with what's allowable in the standard, the</p> <p>24 PBNS standard.</p> <p>25 Q Okay. Let's look at page 158.</p>	<p style="text-align: right;">Page 195</p> <p>1 RUSSELL WASHBURN</p> <p>2 Okay, so we're still in the food section, and</p> <p>3 I'm looking at Indicator 08-A-09. It says, "Production</p> <p>4 records contain completed pre-meal taste assessment."</p> <p>5 What are production records?</p> <p>6 A It's the -- contain pre-meal -- "production</p> <p>7 records contain." So we're required -- leadership is</p> <p>8 required to conduct meal samples and tests and check</p> <p>9 temperatures and things of that nature prior to the --</p> <p>10 every meal going out, so -- and when I'm the</p> <p>11 administrative duty officer, and we rotate week to</p> <p>12 week, I'm also required to do a minimum of two of those</p> <p>13 meal monitoring forms in addition to.</p> <p>14 Q Okay.</p> <p>15 A So we actually write what's on the menu, we</p> <p>16 verify the amount that the dietitian has said that that</p> <p>17 person should receive is what is actually being</p> <p>18 provided, and then we test the quality, as well as</p> <p>19 temperature, to ensure that the temperature regulations</p> <p>20 are in compliance.</p> <p>21 Q So when you read production records here, do</p> <p>22 you mean that to mean meal monitoring forms?</p> <p>23 A Yes, ma'am.</p> <p>24 Q Okay. We're going to go to page 171 of this</p> <p>25 document.</p>
<p style="text-align: right;">Page 196</p> <p>1 RUSSELL WASHBURN</p> <p>2 Okay, and we're going to look at Item 1371,</p> <p>3 so let's scroll down.</p> <p>4 Okay. Do you see where it says, "Annual</p> <p>5 warden review of work/program assignment plan"?</p> <p>6 A Yes, ma'am.</p> <p>7 Q Is there a work/program assignment plan at</p> <p>8 Stewart?</p> <p>9 A There is.</p> <p>10 Q Okay. And do you review it annually?</p> <p>11 A I do.</p> <p>12 Q How does FSC evaluate whether you reviewed</p> <p>13 the work/program assignment plan?</p> <p>14 A It would be through this process here.</p> <p>15 Q How does FSC know whether you reviewed it or</p> <p>16 not?</p> <p>17 A I'm required to document and sign that I've</p> <p>18 completed it and update that document each year.</p> <p>19 Q Okay. So there should be a version of the</p> <p>20 work program plan for every year that the work program</p> <p>21 has existed?</p> <p>22 A There should be, yes, ma'am.</p> <p>23 Q Okay. Let's look at the next page. Looking</p> <p>24 at Item 1374, "Work programs limitations for high</p> <p>25 custody," it says, "ICAS high custody inmates" -- what</p>	<p style="text-align: right;">Page 197</p> <p>1 RUSSELL WASHBURN</p> <p>2 does ICAS stand for?</p> <p>3 A Inmate classification -- it's classification</p> <p>4 system. I don't remember what the A is. Inmate</p> <p>5 classification assignment system maybe. I'm not a</p> <p>6 hundred percent, but it's our classification system.</p> <p>7 Q Okay. And going down to Item 1376,</p> <p>8 "Appropriate inmate work/program assignments," and it</p> <p>9 says, "Inmates are appropriately assigned work/program</p> <p>10 assignments according to Categories 1, 2, and 3."</p> <p>11 How does FSC evaluate compliance with this</p> <p>12 indicator?</p> <p>13 A Looking at classification. They would just</p> <p>14 look at those who are cleared to work in what areas as</p> <p>15 far as their schedules and who's assigned. And then</p> <p>16 they would look at the ICAS, which is the</p> <p>17 classification system, the classification report that's</p> <p>18 maintained in the detention file, to confirm that that</p> <p>19 person is, one, appropriately classified and then, two,</p> <p>20 appropriately working in the area in which the 18-2CC</p> <p>21 authorizes.</p> <p>22 Q Okay. So FSC looks at classification</p> <p>23 records?</p> <p>24 A Yes, ma'am.</p> <p>25 Q And are classification records at Stewart</p>

<p style="text-align: right;">Page 198</p> <p>1 RUSSELL WASHBURN</p> <p>2 maintained by the classification supervisor?</p> <p>3 A Correct. They're in the detention file.</p> <p>4 Q Okay. And the classification supervisor is</p> <p>5 responsible for maintaining detention files at Stewart,</p> <p>6 right?</p> <p>7 A Yes, ma'am.</p> <p>8 Q Okay. Let's go back to page 1 and look at</p> <p>9 the table of contents. And I know you said earlier</p> <p>10 you're generally familiar with this audit tool from</p> <p>11 years of doing audits at CoreCivic. If there were</p> <p>12 going to be other indicators relating to the work</p> <p>13 program at Stewart, which section would they be in?</p> <p>14 MR. LEE: Object to form.</p> <p>15 THE WITNESS: The only place it really</p> <p>16 would fit would be 9 and 10, Classification</p> <p>17 Unit Management and/or Inmate Programs and</p> <p>18 Services.</p> <p>19 MS. SANDLEY: Okay.</p> <p>20 Q (By Ms. Sandley) Let's jump back to page</p> <p>21 171. And I want to scroll through 9 and 10, and I want</p> <p>22 you to tell me if you see an indicator relating to the</p> <p>23 work program that we haven't already talked about.</p> <p>24 A No.</p> <p>25 Q Let's keep scrolling.</p>	<p style="text-align: right;">Page 199</p> <p>1 RUSSELL WASHBURN</p> <p>2 A No. 1376, "Appropriate inmate</p> <p>3 work/program" -- [indiscernible] talking about. I'm</p> <p>4 sorry.</p> <p>5 Q That's okay.</p> <p>6 A So no other ones we haven't talked about.</p> <p>7 Q Okay, let's scroll down.</p> <p>8 Any here?</p> <p>9 A No, ma'am. I'm sorry.</p> <p>10 Q It's okay. Let's keep scrolling. I think</p> <p>11 the programs...</p> <p>12 A I do not see any there.</p> <p>13 Okay. No, nothing there.</p> <p>14 Q All right. We don't need to keep scrolling,</p> <p>15 but I want to ask you this: When FSC does its facility</p> <p>16 audits, it uses this audit tool or an audit tool like</p> <p>17 it to conduct those audits, right?</p> <p>18 A That's correct.</p> <p>19 Q And this audit tool reflects all of the</p> <p>20 compliance indicators that FSC is looking at in the</p> <p>21 course of the audit, correct?</p> <p>22 A That is correct.</p> <p>23 MR. LEE: Object to form.</p> <p>24 THE WITNESS: Sorry.</p> <p>25 MS. SANDLEY: Let's take this exhibit</p>
<p style="text-align: right;">Page 200</p> <p>1 RUSSELL WASHBURN</p> <p>2 down.</p> <p>3 Q (By Ms. Sandley) Besides the yearly FSC</p> <p>4 audits, are there any other quality assurance</p> <p>5 mechanisms in place at Stewart?</p> <p>6 A From an outside, like FSC coming, or</p> <p>7 internal?</p> <p>8 Q Internal.</p> <p>9 A Yeah, internal, I mean, we do self audits and</p> <p>10 self evaluation on a regular basis. The quality</p> <p>11 assurance manager assists with that process to make</p> <p>12 sure that we're in compliance with, you know, all the</p> <p>13 standards, whether ODO, Nakamoto, CoreCivic audits,</p> <p>14 whatever audit is coming. So we do internal reviews on</p> <p>15 a continual basis.</p> <p>16 Q Are there audit tools for the self audits?</p> <p>17 A No. Typically, we use the instruments to</p> <p>18 measure. You know, the [indiscernible] we just looked</p> <p>19 at, we would use those because those are the guiding</p> <p>20 instruments that we're going to be measured on.</p> <p>21 Q Okay. So when Stewart conducts a self audit,</p> <p>22 it uses the FSC audit tool to do that self audit?</p> <p>23 A Yes. I mean, we have like a monthly security</p> <p>24 audit that goes -- that's a little bit different, but a</p> <p>25 lot of the same indicators or standards are applied to</p>	<p style="text-align: right;">Page 201</p> <p>1 RUSSELL WASHBURN</p> <p>2 that as well. So there's quite a few internal review</p> <p>3 processes, I guess I should say.</p> <p>4 Q Okay.</p> <p>5 MS. SANDLEY: All right, we're done with</p> <p>6 audits, or at least I am. Let's take a</p> <p>7 break. I know we're well past lunch time for</p> <p>8 you, Warden. Do you want a little bit longer</p> <p>9 break?</p> <p>10 THE WITNESS: I'm good if the group's</p> <p>11 good.</p> <p>12 (Discussion off the record.)</p> <p>13 (Lunch recess taken.)</p> <p>14 MR. LEE: CJ, real quick before you jump</p> <p>15 back into your questioning. I did just want</p> <p>16 to state for the record, regarding the issue</p> <p>17 of the Securus contract, we did object to</p> <p>18 Topic 7 in Rachel Love's April 12th and May</p> <p>19 10th letters, including that the inmate</p> <p>20 telephone services contract is not relevant</p> <p>21 and that the rates are irrelevant, as is</p> <p>22 testimony as to how the rates were</p> <p>23 determined.</p> <p>24 I know the parties then agreed, as</p> <p>25 memorialized in the May 28th letter from</p>

<p style="text-align: right;">Page 202</p> <p>1 RUSSELL WASHBURN</p> <p>2 Ms. Love, to wait until we got an order on</p> <p>3 the motion to compel to discuss it further.</p> <p>4 But the emails dated September 16th and</p> <p>5 September 21st of 2021, while they addressed</p> <p>6 Topic 7, they didn't specifically discuss the</p> <p>7 Securix contract again. So I just wanted to</p> <p>8 make clear for the record we did object to</p> <p>9 that topic and specifically to that</p> <p>10 contract.</p> <p>11 MS. SANDLEY: Okay. Well, we kept that</p> <p>12 topic in the notice, including the fourth</p> <p>13 revised notice, and didn't hear again from</p> <p>14 you-all after the motion to compel was</p> <p>15 granted, so...</p> <p>16 MR. LEE: It was the same topic that had</p> <p>17 been in there before, so it's our position</p> <p>18 that the objections had been made.</p> <p>19 MS. SANDLEY: All right. Understood.</p> <p>20 Q (By Ms. Sandley) Warden Washburn, you</p> <p>21 understand you're still under oath, right?</p> <p>22 A Yes, ma'am.</p> <p>23 Q Okay. You're familiar with PBNS</p> <p>24 Section 5.8, correct?</p> <p>25 A Yes, ma'am.</p>	<p style="text-align: right;">Page 203</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q That's the voluntary work program section?</p> <p>3 A Yes, ma'am.</p> <p>4 Q Okay. Let's pull it up. It's going to be</p> <p>5 Exhibit 19, and it's CCBVA3317.</p> <p>6 (Exhibit 19 marked for identification.)</p> <p>7 Q (By Ms. Sandley) While we're pulling that</p> <p>8 up, Warden, do you agree that PBNS requires the work</p> <p>9 program at Stewart to be voluntary?</p> <p>10 A Yes.</p> <p>11 Q Scroll down so you can see the top of this</p> <p>12 document.</p> <p>13 Okay. This is the PBNS 2011 version,</p> <p>14 correct, Warden?</p> <p>15 A Yes, ma'am.</p> <p>16 Q Okay. Let's go to PDF page 385. This is the</p> <p>17 voluntary work program section?</p> <p>18 A Yes.</p> <p>19 Q Okay. And do you agree that this section</p> <p>20 applies to Stewart?</p> <p>21 A Yes.</p> <p>22 Q And are all CoreCivic staff at Stewart</p> <p>23 expected to comply with this?</p> <p>24 A Yes.</p> <p>25 Q Okay. I want to look at Section V(H), or</p>
<p style="text-align: right;">Page 204</p> <p>1 RUSSELL WASHBURN</p> <p>2 5(H).</p> <p>3 Okay. You see where it says, "Unexcused</p> <p>4 absences from work or unsatisfactory work performance</p> <p>5 may result in removal from the voluntary work program"?</p> <p>6 A Yes, ma'am, I do.</p> <p>7 Q All right. According to CoreCivic's</p> <p>8 understanding, how many unexcused absences can result</p> <p>9 in -- could result in removal from the work program?</p> <p>10 A I don't know that we have an established</p> <p>11 number per se. I mean, the way the standard -- I mean,</p> <p>12 obviously, any unexcused absence could be interpreted</p> <p>13 here. I mean, that's not our position. We have not,</p> <p>14 to my knowledge, removed anyone for missing a day or</p> <p>15 two. It would be those that would be really considered</p> <p>16 to be excessive.</p> <p>17 Q So it's in CoreCivic's discretion to</p> <p>18 determine how many unexcused absences justify removal</p> <p>19 from the work program?</p> <p>20 A Yes, ma'am.</p> <p>21 Q And it's in CoreCivic's discretion to</p> <p>22 determine what an unexcused absence is?</p> <p>23 A That's correct.</p> <p>24 Q Okay. If a detainee is removed from the work</p> <p>25 program, is that documented?</p>	<p style="text-align: right;">Page 205</p> <p>1 RUSSELL WASHBURN</p> <p>2 A Yes.</p> <p>3 Q How is it documented?</p> <p>4 A There's a form that they have to actually</p> <p>5 fill out, and I believe it's placed in the detention</p> <p>6 file, I believe.</p> <p>7 Q So there's a specific form for removing</p> <p>8 someone from the work program?</p> <p>9 A I believe so, yes.</p> <p>10 Q Do you know how long that form has existed?</p> <p>11 A I don't.</p> <p>12 Q Do you know if it's existed the entire period</p> <p>13 of this -- that applies to this case?</p> <p>14 A I don't.</p> <p>15 Q Could someone's removal from the work program</p> <p>16 be documented on a different form?</p> <p>17 A Not that I'm aware of.</p> <p>18 Q Okay. Let's look at 5(I). Do you see where</p> <p>19 it says, "In SPCs, CDFs, and dedicated IGSAs, a</p> <p>20 detainee may participate in only one work detail per</p> <p>21 day"?</p> <p>22 A Yes, I do see it.</p> <p>23 Q Stewart's a dedicated IGSA, correct?</p> <p>24 A That's correct.</p> <p>25 Q Okay. So according to the PBNS, people in</p>

<p style="text-align: right;">Page 206</p> <p>1 RUSSELL WASHBURN</p> <p>2 the work program can only participate in one work</p> <p>3 detail per day?</p> <p>4 A Correct.</p> <p>5 Q Do you agree that it would be a violation of</p> <p>6 the PBNDS for people in the work program to participate</p> <p>7 in more than one work detail in a day?</p> <p>8 A Yes, based on the standard.</p> <p>9 Q Let's go down to "Compensation," K. You</p> <p>10 talked about this a little bit with Mr. Howard. PBNDS</p> <p>11 sets a compensation floor for the work program, right?</p> <p>12 A Correct. It's \$1.</p> <p>13 Q One dollar. And CoreCivic has the discretion</p> <p>14 to pay more than \$1, correct?</p> <p>15 A Correct. But as far as the per diem</p> <p>16 reimbursed, it would be just for that \$1.</p> <p>17 Q Can you explain what you mean by that?</p> <p>18 A Meaning by the standard, anything -- the only</p> <p>19 thing that could potentially be captured in the per</p> <p>20 diem rate would be that \$1. So if CoreCivic elects to</p> <p>21 pay greater than the \$1, that's that at CoreCivic's</p> <p>22 expense.</p> <p>23 Q How is the work program compensation factored</p> <p>24 into the per diem rate?</p> <p>25 A It would be considered during the negotiation</p>	<p style="text-align: right;">Page 207</p> <p>1 RUSSELL WASHBURN</p> <p>2 phase as part of a payment requirement. We would use</p> <p>3 that \$1 as that assessment.</p> <p>4 Q Do you know if the work program pay at</p> <p>5 Stewart was factored into the per diem rate?</p> <p>6 A Again, I wasn't part of the initial</p> <p>7 negotiations. I will say historically those things are</p> <p>8 factored in, when we know about them, during the</p> <p>9 negotiation period.</p> <p>10 Q Do you know if the work program pay is</p> <p>11 currently factored into the per diem rate?</p> <p>12 A Again, not being here during the initial</p> <p>13 negotiations, I can't say. But if it was factored in</p> <p>14 at the beginning, then yes, it would be there today.</p> <p>15 Q If the per diem -- if the -- if detained</p> <p>16 worker pay was factored into the per diem rate, would</p> <p>17 that be documented somewhere?</p> <p>18 A Again --</p> <p>19 MR. LEE: Objection. Exceeds the</p> <p>20 scope.</p> <p>21 THE WITNESS: Yeah, I'm not sure whether</p> <p>22 it would or would not or whether we would</p> <p>23 just have had the knowledge of the standard</p> <p>24 requirement when we were exploring and</p> <p>25 putting together the bid.</p>
<p style="text-align: right;">Page 208</p> <p>1 RUSSELL WASHBURN</p> <p>2 MS. SANDLEY: Okay.</p> <p>3 Q (By Ms. Sandley) So it's possible that</p> <p>4 CoreCivic took that into account but didn't indicate</p> <p>5 whether or not its bid to ICE factored in detained</p> <p>6 worker pay?</p> <p>7 MR. LEE: Object to form. Exceeds the</p> <p>8 scope.</p> <p>9 THE WITNESS: It could. And, again, I</p> <p>10 don't even know whether or not this was in</p> <p>11 the standard in 2006 or '7, whenever the</p> <p>12 negotiations were in place.</p> <p>13 MS. SANDLEY: Okay.</p> <p>14 Q (By Ms. Sandley) When CoreCivic -- let me</p> <p>15 back up.</p> <p>16 CoreCivic submits monthly billing statements,</p> <p>17 correct?</p> <p>18 A Yes, we do.</p> <p>19 Q Those monthly billing statements don't</p> <p>20 include a line item for detained worker pay, correct?</p> <p>21 A It does not.</p> <p>22 Q Does CoreCivic at any point report to ICE how</p> <p>23 much it's paying detained workers?</p> <p>24 A I don't know if we report. You know, you</p> <p>25 have ICE staff here, you have the detention service</p>	<p style="text-align: right;">Page 209</p> <p>1 RUSSELL WASHBURN</p> <p>2 management group that's here reviewing during audits.</p> <p>3 I was -- the local staff that's here, I would say yes,</p> <p>4 they're aware, but there's no reporting requirement.</p> <p>5 Q Okay. And do you see where it says, "The</p> <p>6 facility shall have an established system that ensures</p> <p>7 detainees receive the pay owed them before being</p> <p>8 transferred or released"?</p> <p>9 A What section are you under?</p> <p>10 Q Still under "Compensation." Sorry.</p> <p>11 A Sorry. Okay. Yes, I do.</p> <p>12 Q Okay. Do you agree that there have been</p> <p>13 instances when detained people were not paid for the</p> <p>14 last shift they worked before they were transferred or</p> <p>15 released?</p> <p>16 MR. LEE: Object to form.</p> <p>17 THE WITNESS: I'm sure we've had those</p> <p>18 issues, and we remedy them as we become aware</p> <p>19 of them and correct that and retrain or apply</p> <p>20 action, corrective action, if necessary.</p> <p>21 Q (By Ms. Sandley) Are you aware that</p> <p>22 CoreCivic has at times accumulated thousands of dollars</p> <p>23 of detained worker wage that were not paid because the</p> <p>24 worker was transferred or released?</p> <p>25 MR. LEE: Object to form.</p>

<p style="text-align: right;">Page 210</p> <p>1 RUSSELL WASHBURN</p> <p>2 THE WITNESS: No, I'm not aware of that.</p> <p>3 Q (By Ms. Sandley) Let's look at Section L. I</p> <p>4 think we need to scroll down to the next page.</p> <p>5 Do you see where it says, "When a detainee is</p> <p>6 removed from a work detail, the facility administrator</p> <p>7 shall place written documentation of the circumstances</p> <p>8 and reasons in the detainee detention file."</p> <p>9 A Yes.</p> <p>10 Q Okay. How does CoreCivic interpret "written</p> <p>11 documentation"?</p> <p>12 A That would be the form that I referenced, the</p> <p>13 removal from the job placement.</p> <p>14 Q Okay. And those are placed in the detention</p> <p>15 files at Stewart?</p> <p>16 A Yes, ma'am, I believe they are.</p> <p>17 Q Okay. Have incident reports ever been used</p> <p>18 to document a detained worker's removal from the work</p> <p>19 program?</p> <p>20 A Can you define "incident reports"?</p> <p>21 Q 51C forms.</p> <p>22 A I'm sure a 51C has maybe been generated from</p> <p>23 staff, but to document their actual removal, they</p> <p>24 should not have been.</p> <p>25 Q Okay. Do you -- have disciplinary reports</p>	<p style="text-align: right;">Page 211</p> <p>1 RUSSELL WASHBURN</p> <p>2 ever been used at Stewart to document a detained</p> <p>3 worker's removal from the work program?</p> <p>4 A Not that I'm aware of. The only circumstance</p> <p>5 that I can see potentially is if somebody was</p> <p>6 charged -- like, for example, theft while working in a</p> <p>7 location. They may have been removed from that area</p> <p>8 because, obviously, they committed a theft charge. Not</p> <p>9 anything to do with the work program, but they</p> <p>10 committed an infraction while at that particular</p> <p>11 location.</p> <p>12 Q Is there a form number for the work program</p> <p>13 removal form that you referenced?</p> <p>14 A I'm not sure. I'd have to look.</p> <p>15 Q And I just want to confirm, you don't know</p> <p>16 how old that form is or how long it's existed?</p> <p>17 A I do not.</p> <p>18 Q Okay.</p> <p>19 MS. SANDLEY: Let's take this exhibit</p> <p>20 down.</p> <p>21 Q (By Ms. Sandley) PBNDs Section 5.8 does not</p> <p>22 address recruitment of people in the work program,</p> <p>23 correct?</p> <p>24 A It does not.</p> <p>25 Q Does CoreCivic have any policies governing</p>
<p style="text-align: right;">Page 212</p> <p>1 RUSSELL WASHBURN</p> <p>2 recruitment of people in the work program?</p> <p>3 A Not that I'm aware of.</p> <p>4 Q Are there any other requirements for</p> <p>5 operating the work program other than those in the</p> <p>6 PBNDs that ICE establishes?</p> <p>7 A No.</p> <p>8 MR. LEE: Objection.</p> <p>9 THE WITNESS: I'm sorry.</p> <p>10 No.</p> <p>11 Q (By Ms. Sandley) Okay, so ICE requires</p> <p>12 CoreCivic to operate a voluntary work program, correct?</p> <p>13 A Correct, based on the PBNDs standards.</p> <p>14 Q Okay. But other than those guidelines in the</p> <p>15 PBNDs, CoreCivic has discretion to structure and</p> <p>16 operate the work program, correct?</p> <p>17 A As long as it meets the intent and the</p> <p>18 requirements of the standard, yes.</p> <p>19 Q All right. So, for example, CoreCivic</p> <p>20 determines how many detained workers will work in each</p> <p>21 job at Stewart?</p> <p>22 A Correct.</p> <p>23 Q CoreCivic determines what types of jobs can</p> <p>24 be performed by detained workers?</p> <p>25 A Correct.</p>	<p style="text-align: right;">Page 213</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q And CoreCivic determines how much to pay</p> <p>3 detained workers above the \$1 floor set in the PBNDs?</p> <p>4 A Yes. Above the \$1, yes.</p> <p>5 Q CoreCivic determines whether to offer other</p> <p>6 incentives to encourage people to work?</p> <p>7 A Yes.</p> <p>8 Q CoreCivic determines whether to pay detained</p> <p>9 workers with phone cards?</p> <p>10 A Can you repeat the question for me?</p> <p>11 Q Sure.</p> <p>12 CoreCivic determines whether it's going to</p> <p>13 pay detained workers with phone cards?</p> <p>14 MR. LEE: Object to form.</p> <p>15 THE WITNESS: The answer to that is --</p> <p>16 whether or not CoreCivic chooses to provide</p> <p>17 them in addition to the pay in which they</p> <p>18 would have received, the answer to that</p> <p>19 question is yes. They would not be paid with</p> <p>20 a phone card in lieu of the established daily</p> <p>21 rate.</p> <p>22 Q (By Ms. Sandley) If a detained worker is</p> <p>23 paid with a phone card in lieu of the established daily</p> <p>24 rate, is that a violation of PBNDs?</p> <p>25 A Yes, because you'd have to go show the dollar</p>

<p style="text-align: right;">Page 214</p> <p>1 RUSSELL WASHBURN</p> <p>2 amount that you're paying in currency.</p> <p>3 Q CoreCivic determines the shifts that detained</p> <p>4 workers work?</p> <p>5 A Yes.</p> <p>6 Q And for kitchen workers, does Trinity have a</p> <p>7 role in determining the shifts?</p> <p>8 A No more than telling us, you know, really</p> <p>9 what time the kitchen needs to open or what time it</p> <p>10 really should be scheduling to close in order to</p> <p>11 provide all three meals. So it's really about what</p> <p>12 time they're going to open the kitchen and what time</p> <p>13 they anticipate closing the kitchen. Outside of that,</p> <p>14 that's really their only roles, telling us the kitchen</p> <p>15 hours.</p> <p>16 Q Okay. And CoreCivic determines how workers</p> <p>17 will be recruited for the work program?</p> <p>18 A Correct.</p> <p>19 Q Did -- CoreCivic also determines when</p> <p>20 detained workers commit an offense that merits</p> <p>21 discipline?</p> <p>22 A Yeah. I mean, really, ICE staff could as</p> <p>23 well. But, yeah, any employee, whether ICE staff or</p> <p>24 CoreCivic staff, could take disciplinary action against</p> <p>25 a detainee who's violated some type of facility rule.</p>	<p style="text-align: right;">Page 215</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Okay. Let's take a look at Exhibit 20,</p> <p>3 CCBVA3947.</p> <p>4 (Exhibit 20 marked for identification.)</p> <p>5 Q (By Ms. Sandley) Okay, and this is</p> <p>6 Policy 19-100, correct?</p> <p>7 A Yes, ma'am.</p> <p>8 Q CoreCivic's resident work program policy,</p> <p>9 correct?</p> <p>10 A Correct.</p> <p>11 Q And this applies at Stewart, right?</p> <p>12 A That's correct.</p> <p>13 Q And we can scroll through it if you need us</p> <p>14 to, but does this policy generally mirror the PBNDs</p> <p>15 section we just looked at?</p> <p>16 A Yes, ma'am.</p> <p>17 Q Okay. And are all CoreCivic staff at Stewart</p> <p>18 expected to comply with this policy?</p> <p>19 A Yes, ma'am.</p> <p>20 Q Let's look at the next exhibit. It will be</p> <p>21 21, CCBVA4627.</p> <p>22 (Exhibit 21 marked for identification.)</p> <p>23 Q (By Ms. Sandley) This is the detainee</p> <p>24 voluntary work program agreement, correct?</p> <p>25 A Yes, ma'am.</p>
<p style="text-align: right;">Page 216</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Is this form used at Stewart?</p> <p>3 A Yes, I believe it is.</p> <p>4 Q Okay. And here it says, "Compensation will</p> <p>5 be from \$1 to \$3 per day."</p> <p>6 Stewart currently pays people up to \$4 per</p> <p>7 day, right?</p> <p>8 A Yes, ma'am. For a few positions, yes.</p> <p>9 Q Okay. So fair to -- has this form been</p> <p>10 modified over time?</p> <p>11 A It does not appear it's been updated.</p> <p>12 Q Well, it's possible this is an out-of-date</p> <p>13 form, so I think I'm asking do you know if there's a</p> <p>14 more recent form?</p> <p>15 A I don't know, but it's equally possible it</p> <p>16 just hasn't been updated to reflect that new rate.</p> <p>17 Q Okay. This form does not mention the PBNDs</p> <p>18 limit to one work detail per day, does it?</p> <p>19 A It does not.</p> <p>20 Q Okay. And let's take this form down.</p> <p>21 How -- are detained workers at Stewart</p> <p>22 informed of how to quit the work program?</p> <p>23 A I'm not sure if it's referenced in the</p> <p>24 detainee handbook or not. I believe it is, but I'm</p> <p>25 not -- I can't remember off the top of my head. I'd</p>	<p style="text-align: right;">Page 217</p> <p>1 RUSSELL WASHBURN</p> <p>2 have to go back and look and see if it's actually in</p> <p>3 the handbook.</p> <p>4 Q If detained workers were informed about how</p> <p>5 to quit the work program, would you expect that</p> <p>6 information to be in the handbook?</p> <p>7 MR. LEE: Object to form.</p> <p>8 THE WITNESS: Not to say -- it's not</p> <p>9 required to be in the handbook, but if it</p> <p>10 would exist anywhere, it should be in the</p> <p>11 handbook, if it was going to exist. I mean,</p> <p>12 I think most people know how to quit doing</p> <p>13 something without being told how to do so.</p> <p>14 Q (By Ms. Sandley) Do you know if anyone tells</p> <p>15 people in the work program how they can quit if they</p> <p>16 want to?</p> <p>17 A I do not know.</p> <p>18 Q Okay. Let's look at the next exhibit,</p> <p>19 Exhibit 22, and this is CCBVA3918.</p> <p>20 (Exhibit 22 marked for identification.)</p> <p>21 Q (By Ms. Sandley) Okay, and this is</p> <p>22 Policy 18-100, correct?</p> <p>23 A Yes, ma'am.</p> <p>24 Q And this applies at Stewart?</p> <p>25 A Yes, it does.</p>

<p style="text-align: right;">Page 218</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q And all CoreCivic staff are expected to</p> <p>3 comply with Policy 18-100?</p> <p>4 A Yes, ma'am.</p> <p>5 Q All right, let's look at page 10. We're</p> <p>6 looking under "Reporting Requirements."</p> <p>7 It says, "A monthly report will be provided</p> <p>8 to the FSC quality assurance department to monitor</p> <p>9 significant fluctuations in custody classification</p> <p>10 levels."</p> <p>11 Does Stewart provide a monthly report to FSC</p> <p>12 on custody classification levels?</p> <p>13 A We do.</p> <p>14 Q Does this policy require any kind of</p> <p>15 reporting about work program staffing levels?</p> <p>16 A No.</p> <p>17 Q Do you know if Stewart provides regular</p> <p>18 reports to FSC about work program staffing levels?</p> <p>19 A Not that I'm aware of.</p> <p>20 MS. SANDLEY: Let's take this exhibit</p> <p>21 down and look at CCBVA118618.</p> <p>22 (Exhibit 23 marked for identification.)</p> <p>23 Q (By Ms. Sandley) All right. And this is</p> <p>24 Policy 18-100CC, correct?</p> <p>25 A Yes, ma'am.</p>	<p style="text-align: right;">Page 219</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q That's the Stewart work/program plan</p> <p>3 guidelines; is that right?</p> <p>4 A That's correct.</p> <p>5 Q And is this the plan that you testified</p> <p>6 earlier the warden is required to review and sign off</p> <p>7 on annually?</p> <p>8 A Yes, ma'am, I believe this is the right one.</p> <p>9 That should be further down. I think it's got the</p> <p>10 actual job locations, and then it requires my signature</p> <p>11 below it --</p> <p>12 Q Yeah, let's --</p> <p>13 A -- if I was recalling the policy correctly.</p> <p>14 Q Let's go to the last page.</p> <p>15 A Yes, ma'am.</p> <p>16 Q Okay. And that's your signature at the</p> <p>17 bottom there?</p> <p>18 A Yes, ma'am.</p> <p>19 Q This one is dated February 24, 2021, right?</p> <p>20 A Yes, ma'am.</p> <p>21 Q Has there been an updated version of this</p> <p>22 since then?</p> <p>23 A No, ma'am.</p> <p>24 Q Okay. So this is the policy currently in</p> <p>25 effect at Stewart?</p>
<p style="text-align: right;">Page 220</p> <p>1 RUSSELL WASHBURN</p> <p>2 A Yes, ma'am.</p> <p>3 Q How are the wages in this document</p> <p>4 established?</p> <p>5 A [Indiscernible] and how do we get to there?</p> <p>6 Q For all of the positions, how is the wage</p> <p>7 set?</p> <p>8 A Typically, we look at the need and what kind</p> <p>9 of incentives that we would want to put, also look at</p> <p>10 the type of work that the persons would be performing;</p> <p>11 and, you know, working in the kitchen is certainly a</p> <p>12 little more stringent than, you know, mopping a floor</p> <p>13 in a day room and housing unit.</p> <p>14 So those factors are taken into consideration</p> <p>15 when looking at what type of incentives do we want to</p> <p>16 put into the programs to give people those</p> <p>17 opportunities and reward them for taking on some of</p> <p>18 those -- a little more challenging roles within the</p> <p>19 facility.</p> <p>20 Q When you say you look at the need when</p> <p>21 determining the rate of pay, do you mean the number of</p> <p>22 workers needed for a particular position?</p> <p>23 A Yes, ma'am, the ones that we'd like -- the</p> <p>24 number we'd like to see, yes.</p> <p>25 Q Okay. And would you pay -- tell me how that</p>	<p style="text-align: right;">Page 221</p> <p>1 RUSSELL WASHBURN</p> <p>2 impacts the rate of pay.</p> <p>3 A I don't know that I understand the question.</p> <p>4 I'm sorry.</p> <p>5 Q You said you took the need into account in</p> <p>6 setting the rate of pay, so how -- how does the need</p> <p>7 and the number of workers you'd like to see for a</p> <p>8 particular position -- would you pay more if you need</p> <p>9 more workers for that position?</p> <p>10 A You could, but it would also, like I said, be</p> <p>11 factored into the type of work. That's probably the</p> <p>12 biggest, would be the demand. You know, sometimes</p> <p>13 you're looking for a little more specialty type, you</p> <p>14 know, specific -- let's say in the kitchen, you know,</p> <p>15 not everybody can cook, so you may be looking for</p> <p>16 somebody to be able to perform that.</p> <p>17 So those types of things, to me -- most</p> <p>18 anybody you can put a broom in their hand, you can put</p> <p>19 a mop in their hand, you can put a rag in their hand</p> <p>20 and direct them how to clean, but not everybody is the</p> <p>21 appropriate persons for working in a food-service area,</p> <p>22 nor do they want to work. They have to go through</p> <p>23 medical screenings and things of that nature that are a</p> <p>24 little different than some of those other roles.</p> <p>25 So looking at those types of requirements,</p>

<p style="text-align: right;">Page 222</p> <p>1 RUSSELL WASHBURN</p> <p>2 it's going to be a little more stringent than these</p> <p>3 other jobs, and what's going to incentivize somebody to</p> <p>4 take that versus just give me the broom or the mop and</p> <p>5 I'll be good to go.</p> <p>6 Q Which other jobs besides the kitchen are more</p> <p>7 specialized?</p> <p>8 A Barber, you know, finding somebody that --</p> <p>9 with me, I don't care, anybody can cut my hair, but</p> <p>10 that's not the case for everybody, so you certainly</p> <p>11 want -- you want to make sure somebody has got some</p> <p>12 level of ability and experience in doing that and then</p> <p>13 certainly meeting all the -- the ability to meet all of</p> <p>14 the hygiene requirements and the sanitation</p> <p>15 requirements in between the barbering services and</p> <p>16 things of that.</p> <p>17 Q And what about the administration porter, why</p> <p>18 does that one pay \$4 a day?</p> <p>19 A Again, that's -- you know, really we look at</p> <p>20 the classification, so it's because they're coming into</p> <p>21 an area that's really, in essence, unsecured. Not too</p> <p>22 many people meet the qualifications. And in a</p> <p>23 facility, quite frankly, that's probably one of the</p> <p>24 hardest to recruit for because sometimes those folks</p> <p>25 are labeled -- either they're pressured to try to bring</p>	<p style="text-align: right;">Page 223</p> <p>1 RUSSELL WASHBURN</p> <p>2 stuff into the facility, so a lot of them just simply</p> <p>3 don't want those pressures and they choose not to do</p> <p>4 that, because they do have access to things that the</p> <p>5 other population would not have access to, so it's a</p> <p>6 little pressure on them from their peers.</p> <p>7 Q And the admin porters report to your</p> <p>8 secretary, correct?</p> <p>9 A Yes, ma'am.</p> <p>10 Q Okay. And do they clean your office?</p> <p>11 A They'll clean the administration area,</p> <p>12 they'll vacuum, but as far as cleaning my desk and</p> <p>13 things, I'll do that myself, but they'll vacuum and</p> <p>14 wipe down like doorjams and things of that nature.</p> <p>15 Q And they take the trash out in the admin</p> <p>16 area?</p> <p>17 A Yes, ma'am. I think I've had one in the 18</p> <p>18 months I've been here.</p> <p>19 Q One trash taking out?</p> <p>20 A No, one worker, one or two workers.</p> <p>21 Q Understood. Okay.</p> <p>22 Does the FSC approve Policy 18-100CC?</p> <p>23 A No, they don't have to approve it. I mean,</p> <p>24 the policy itself is approved through FSC, but the</p> <p>25 actual 18-100CC is not approved by FSC.</p>
<p style="text-align: right;">Page 224</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Can you explain that a little bit more?</p> <p>3 A The actual 18-100, the policy itself, is</p> <p>4 approved; and language and what's in the policy, that</p> <p>5 doesn't -- I don't have the authority to change that</p> <p>6 policy without going through the approval process.</p> <p>7 Q Uh-huh.</p> <p>8 A This attachment to the policy does not</p> <p>9 require an approval from FSC annually, just it requires</p> <p>10 my approval. The policy requires me to approve this</p> <p>11 attachment and this plan.</p> <p>12 Q If you revise this policy and you approve it,</p> <p>13 do you provide the new revision to FSC?</p> <p>14 MR. LEE: Form.</p> <p>15 THE WITNESS: I'm not sure if this is</p> <p>16 uploaded, one of the documents that's</p> <p>17 uploaded or not. I'd have to check with the</p> <p>18 quality assurance manager. I don't believe</p> <p>19 so, but that's speculation.</p> <p>20 MS. SANDLEY: Okay.</p> <p>21 Q (By Ms. Sandley) We talked a little bit</p> <p>22 earlier about the shift relief factor that's built into</p> <p>23 the Stewart staffing plan.</p> <p>24 Is there any kind of calculation like that,</p> <p>25 like a shift relief factor, that's built into the</p>	<p style="text-align: right;">Page 225</p> <p>1 RUSSELL WASHBURN</p> <p>2 determination of how many workers are needed at</p> <p>3 Stewart?</p> <p>4 A There's not.</p> <p>5 MR. LEE: Object to form.</p> <p>6 THE WITNESS: I'm sorry.</p> <p>7 There's not. We set the number that we</p> <p>8 would like to see, our maximum number that we</p> <p>9 would allow to volunteer to work in those</p> <p>10 specific areas. But as far as any type of</p> <p>11 established relief factor, there's not.</p> <p>12 MS. SANDLEY: Okay.</p> <p>13 Q (By Ms. Sandley) And this version of</p> <p>14 18-100CC calls for 140 kitchen workers over two shifts,</p> <p>15 correct?</p> <p>16 MR. LEE: Object to form.</p> <p>17 THE WITNESS: No. What this form -- I</p> <p>18 mean, there's 140 that -- the max that we'd</p> <p>19 ever allow to volunteer and to be assigned to</p> <p>20 the kitchen. I don't believe we'll ever get</p> <p>21 to that 140, but that's just a max number.</p> <p>22 Anything -- so let's say that we met</p> <p>23 that perfect world and there was 140</p> <p>24 volunteers that want to work in the kitchen</p> <p>25 and we had people requesting beyond that,</p>

<p style="text-align: right;">Page 226</p> <p>1 RUSSELL WASHBURN</p> <p>2 they would have to go on a waiting list. Not</p> <p>3 to say that we would work that many. That's</p> <p>4 just what we identified to say that's the max</p> <p>5 number that we would allow to volunteer to</p> <p>6 work for those specific areas.</p> <p>7 Q (By Ms. Sandley) And if you met that perfect</p> <p>8 world, as you say, how would the 140 be split over two</p> <p>9 shifts per day seven days per week?</p> <p>10 A We split them up, you know, as much as we</p> <p>11 could. I mean, obviously we wouldn't have larger</p> <p>12 numbers -- I would say -- I'm trying to remember what</p> <p>13 the number was the kitchen gave me; but, I mean, on an</p> <p>14 average shift, I believe if everything was full and</p> <p>15 where it needed to be, it's like 30.</p> <p>16 And, again, trying to find that balance</p> <p>17 because we have now males and females, and then we do</p> <p>18 allow Level 2s to work in the kitchen, but we don't</p> <p>19 allow them to work with Level 1s. So you have to do it</p> <p>20 really by classification, by gender, and provide that</p> <p>21 equal access as much as possible.</p> <p>22 So we may have to shorten hours. The</p> <p>23 schedule may be scheduled on an eight-hour rotation,</p> <p>24 and we may have to build schedules that would be on a</p> <p>25 four-hour or a six-hour rotation to allow any of those</p>	<p style="text-align: right;">Page 227</p> <p>1 RUSSELL WASHBURN</p> <p>2 who would like to work the opportunity to do so.</p> <p>3 Again, that's in the perfect world if we had the max</p> <p>4 numbers.</p> <p>5 Q Does the PBNS require Stewart to provide</p> <p>6 equal access to kitchen jobs for Level 2 detained</p> <p>7 people?</p> <p>8 A For Level 2?</p> <p>9 Q Right. You testified, I believe, that</p> <p>10 Level 2 people are allowed to work in the kitchen,</p> <p>11 right?</p> <p>12 A They are, yes. No, there's nothing really</p> <p>13 that -- now, the ACA standards, there's some things</p> <p>14 about providing equal access when you house opposite</p> <p>15 classifications and genders. So there's an ACA</p> <p>16 standard, and forgive me, I'm not sure of the standard</p> <p>17 number, but there is a standard that talks about equal</p> <p>18 access to not only work programs, but other types of</p> <p>19 services and programs that are offered throughout the</p> <p>20 facilities.</p> <p>21 Q Okay. You testified that Stewart doesn't</p> <p>22 currently have 140 kitchen workers, right?</p> <p>23 A No, not even close.</p> <p>24 Q Okay. And is that -- are you familiar with</p> <p>25 the number of kitchen workers at Stewart prior to</p>
<p style="text-align: right;">Page 228</p> <p>1 RUSSELL WASHBURN</p> <p>2 COVID-19?</p> <p>3 A Just -- I mean, I looked at some records, but</p> <p>4 to say I can draw what those numbers were, no. I did</p> <p>5 look at some records. I had some people on it, yes.</p> <p>6 Q What do you mean you had some people on it?</p> <p>7 A I mean larger numbers than what I've ever</p> <p>8 seen since I've been here. To get me to say what those</p> <p>9 numbers were, whether it was 50 or 60 or 70, I couldn't</p> <p>10 draw that without looking at the report again.</p> <p>11 Q Okay.</p> <p>12 MS. SANDLEY: Let's take this exhibit</p> <p>13 down.</p> <p>14 Q (By Ms. Sandley) And you became warden at</p> <p>15 Stewart right around the time COVID-19 arrived in the</p> <p>16 United States, right?</p> <p>17 A The lucky month of. I guess when it really</p> <p>18 started is -- April 2020 is when I first got here,</p> <p>19 so...</p> <p>20 Q And did COVID-19 impact work program staffing</p> <p>21 at Stewart?</p> <p>22 A It did.</p> <p>23 Q How?</p> <p>24 A It limited the abilities for the detainees to</p> <p>25 volunteer because of either being in a quarantined pod,</p>	<p style="text-align: right;">Page 229</p> <p>1 RUSSELL WASHBURN</p> <p>2 which is -- more often than not is what occurs.</p> <p>3 Somebody tested positive -- this was early on. We</p> <p>4 didn't have the requirement to isolate all of the</p> <p>5 detainees upon arrival for 14 days. That came later.</p> <p>6 But as people tested positive, we had to shelter in</p> <p>7 place, basically, and keep them isolated away from the</p> <p>8 rest of the population.</p> <p>9 So if there happened to be kitchen workers in</p> <p>10 there or laundry workers or wherever, they couldn't</p> <p>11 leave there. The ones that were probably the least</p> <p>12 impacted is those that were assigned to do in-dorm</p> <p>13 assignments because they could still work inside of</p> <p>14 their building and inside of their pod because they</p> <p>15 were still around the same people that they were</p> <p>16 already quarantined with. But outside of that, it's</p> <p>17 been very challenging. I mean, I would say for the</p> <p>18 last eight to ten months, if we had three people</p> <p>19 assigned to the kitchen, we were lucky.</p> <p>20 Q So the need to quarantine and isolate people</p> <p>21 to prevent the spread of COVID impacted the number of</p> <p>22 people who were available to work in the work program,</p> <p>23 correct?</p> <p>24 A It did and it still is currently.</p> <p>25 Q Okay. Have work program shortages caused</p>

<p style="text-align: right;">Page 230</p> <p>1 RUSSELL WASHBURN</p> <p>2 CoreCivic staff to have to work overtime?</p> <p>3 A Yes.</p> <p>4 Q Has CoreCivic brought in more staff to fill</p> <p>5 the need left by lower work program numbers?</p> <p>6 A No, we haven't had that need. I know that</p> <p>7 Trinity brought in a few folks to help in the kitchen,</p> <p>8 a couple, but [indiscernible] here and there. We</p> <p>9 reassigned some staff and, of course, ran overtime to</p> <p>10 help cover in those areas that were needed. And same</p> <p>11 thing with, like, laundry services. I think they have</p> <p>12 not had a worker in there for longer than even what the</p> <p>13 kitchen has experienced. It's just been delivered by</p> <p>14 staff throughout the performance -- or throughout,</p> <p>15 really, the COVID period, it's been intermittent for</p> <p>16 the most part.</p> <p>17 Q So when staff are doing the laundry at</p> <p>18 Stewart, are they doing that on overtime?</p> <p>19 A Either straight time or overtime. I would</p> <p>20 say it's probably -- sometimes it's going to be</p> <p>21 overtime, sometimes it will be straight time. We have</p> <p>22 a dedicated officer that works in laundry. But she may</p> <p>23 have to, you know, keep a few additional hours to</p> <p>24 facilitate the laundry, but I would say for laundry,</p> <p>25 probably, for the most part, it's done at regular rate.</p>	<p style="text-align: right;">Page 231</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Is that dedicated officer doing the laundry</p> <p>3 by herself?</p> <p>4 A Yes.</p> <p>5 Q Okay. And the Stewart population decreased</p> <p>6 significantly during COVID-19, correct?</p> <p>7 A Last year, yes, ma'am.</p> <p>8 Q It dropped to as low as 2-, 300?</p> <p>9 A Yeah, it was between -- we never went below</p> <p>10 200, but I would say 250-ish to 300.</p> <p>11 Q Okay. And the 1752 population staffing plan,</p> <p>12 was that still in effect when the Stewart population</p> <p>13 dropped --</p> <p>14 A Yes, ma'am.</p> <p>15 Q -- to 300?</p> <p>16 A Yes, ma'am.</p> <p>17 Q Okay. Did that allow CoreCivic to cover some</p> <p>18 of those duties that were ordinarily performed by</p> <p>19 detained workers?</p> <p>20 A Yes. There was some, obviously, shift of</p> <p>21 assignments to perform some of those functions that's</p> <p>22 typically been handled by detainees.</p> <p>23 Q Are you familiar with ICE's pandemic response</p> <p>24 requirements?</p> <p>25 A The PRR, yes, ma'am.</p>
<p style="text-align: right;">Page 232</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Okay. That was my next question. Can we</p> <p>3 call them the PRR for short?</p> <p>4 A Yes, we can.</p> <p>5 Q All right. And what are the PRR?</p> <p>6 MR. LEE: Object to form. Exceeds the</p> <p>7 scope of the notice.</p> <p>8 THE WITNESS: It's ICE's pandemic</p> <p>9 response requirements for the COVID -- due to</p> <p>10 COVID-19.</p> <p>11 Q (By Ms. Sandley) And there have been several</p> <p>12 versions of the PRR released since the beginning of the</p> <p>13 pandemic, correct?</p> <p>14 A Yes, ma'am.</p> <p>15 MR. LEE: Object to form. Exceeds the</p> <p>16 scope.</p> <p>17 Q (By Ms. Sandley) Is Stewart expected to</p> <p>18 comply with PRR?</p> <p>19 A Yes, we are required to comply --</p> <p>20 MR. LEE: Object to form. Exceeds the</p> <p>21 scope. Counsel, there's nothing in the</p> <p>22 notice about the PRR.</p> <p>23 MS. SANDLEY: There is something in the</p> <p>24 notice about ICE policies relating to the</p> <p>25 work program and policies in effect at</p>	<p style="text-align: right;">Page 233</p> <p>1 RUSSELL WASHBURN</p> <p>2 Stewart relating to the work program.</p> <p>3 MR. LEE: Okay, but you're asking about</p> <p>4 COVID policies.</p> <p>5 MS. SANDLEY: I'm about to get there,</p> <p>6 Jacob, if you give me one second.</p> <p>7 Let's pull up Exhibit 24.</p> <p>8 (Exhibit 24 marked for identification.)</p> <p>9 Q (By Ms. Sandley) This is Version 1 of the</p> <p>10 PRR dated April 10, 2020.</p> <p>11 Okay, this is the PRR we were just</p> <p>12 discussing, right, Warden Washburn?</p> <p>13 A Yes, ma'am.</p> <p>14 Q Okay. And you can see at the bottom there</p> <p>15 where it says Version 1?</p> <p>16 A Yes, ma'am.</p> <p>17 Q Okay. Let's go to page 13. And this says,</p> <p>18 "Consider suspending work" -- sorry, that's work</p> <p>19 release.</p> <p>20 MS. SANDLEY: Jackie, I'm looking for</p> <p>21 the portion that says, "Facilities are</p> <p>22 encouraged to..."</p> <p>23 There it is. I see it.</p> <p>24 Q (By Ms. Sandley) Warden, do you see -- it's</p> <p>25 the bullet point right before the arrows. It says,</p>

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2 "Facilities are encouraged to prohibit or, at a

3 minimum, significantly adopt restricted visitation

4 programs, and to suspend all volunteer work assignments

5 for detainees assigned to food service, and other

6 assignments where applicable." Do you see that?

7 A I do see it.

8 Q Did Stewart suspend all volunteer work

9 assignments for detained people assigned to food

10 service?

11 A We did not.

12 Q Did Stewart suspend work assignments for

13 other detained worker assignments at Stewart?

14 A We did not.

15 Q Okay. And then let's go to the next exhibit.

16 (Exhibit 25 marked for identification.)

17 Q (By Ms. Sandley) This is actually going to

18 be PRR Version 7. And while we pull this up, do you

19 know which version of the PRR is currently in effect?

20 A 10/19, the one dated 10/19, I believe.

21 Q All right. And this is Exhibit 25. Let's

22 scroll down so you can see the date. So this is the

23 10/19/2021 version of the PRR?

24 A Yes, ma'am.

25 Q And this is currently in effect at Stewart?

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2 Q And would you agree that barbering requires

3 interaction at less than 6 feet?

4 A Yes. And I will say, too, that the detainee

5 barber and the detainee receiving the barbering service

6 wear applicable and required PPE.

7 Q Okay.

8 MS. SANDLEY: Let's take this exhibit

9 down.

10 Q (By Ms. Sandley) Is the typical kitchen

11 shift at Stewart between 6 and 10 hours?

12 A Between 6 a.m. and 10 p.m. or --

13 Q No, between 6 and 10 hours long.

14 A As far as the shifts?

15 Q Uh-huh.

16 A We don't have any shifts that go into 10

17 hours.

18 Q How long are shifts in the kitchen typically?

19 A I think they're scheduled, I believe -- and I

20 have to look back at the schedule -- I believe eight

21 hours. Certainly less than eight hours. Eight hours

22 or less.

23 Q Okay. And do you know how long kitchen

24 shifts were prior to your time at Stewart?

25 A Not without looking at the record.

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2 A Yes, ma'am.

3 Q Okay, let's go to PDF page 37.

4 Warden, do you see where we've highlighted

5 it says, "Facilities are required to suspend all

6 volunteer work program assignments for detainees

7 assigned to food service and other VWP assignments,

8 where applicable, that require individuals to interact

9 with each other at distances of less than six feet.

10 Any detainee participating in a VWP assignment is

11 required to wear appropriate PPE for the position at

12 all times (e.g., disposable gloves, masks, goggles).

13 Detainees in isolation or quarantine may not be

14 assigned to a VWP detail?"

15 Are people -- are detained people at Stewart

16 currently working in the kitchen?

17 A Yes.

18 Q Are detained people at Stewart currently

19 working in jobs that require interaction at less than 6

20 feet?

21 A I mean, I would say at times they're probably

22 less than 6 feet.

23 Q Who's been doing the barbering at Stewart

24 since April 2020?

25 A Detainees.

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2 Q Okay. And are detained people at Stewart

3 informed about what their work schedules are for the

4 week?

5 A Yes. Once they accept the position and

6 volunteer for it, then yes, they're told what their

7 work schedule will be.

8 Q Are work schedules written and posted

9 anywhere?

10 A Again, I believe they're -- the schedules are

11 posted in the units. Again, I'd have to go look --

12 there's, like, so much documentation there -- to

13 confirm it, but I do believe we do post them. And I

14 know that they're certainly posted in the work

15 location, but I also believe they are posted in the

16 units, but I'd have to confirm that.

17 Q Okay. Let's look at the next exhibit,

18 CCBVA218703, and this will be Exhibit 26.

19 (Exhibit 26 marked for identification.)

20 Q (By Ms. Sandley) All right, this is an email

21 to -- from John Gimesh to all wardens at --

22 [REDACTED]. Do you see that?

23 A I do.

24 Q Who is John Gimesh?

25 A John Gimesh, he's no longer. He was our -- I

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2 believe his title was food service director from
3 Facility Support Center.
4 Q Okay. So he worked in the FSC?
5 A Yes, ma'am.
6 Q And the [REDACTED] email address,
7 are you familiar with that?
8 A Yes, I am.
9 Q Does it go to all the CoreCivic wardens?
10 A It would have.
11 Q Okay. And then Sue Huffman at Trinity
12 Services Group is copied on this. Do you know who Sue
13 is?
14 A I don't know her title. She's like a
15 regional supervisor for Trinity.
16 Q Okay. Now, Mr. Gimesh writes, "Our company
17 average is 7 percent of scheduled inmates do not report
18 to work. I have been asked recently by several
19 facilities how to address this matter."
20 Fair to say, based on this email, that FSC
21 was taking an interest in how many detained people were
22 not reporting to work?
23 MR. LEE: Object to form.
24 THE WITNESS: Based on the email. I
25 mean, whether they were concerned about it or

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2 that could mean?
3 A I don't want to speculate what his intent
4 was.
5 Q Okay. What is Stewart's stance on volunteer
6 workers?
7 A In what regard?
8 Q If you were asked by someone at FSC what is
9 Stewart's stance on volunteer workers, what would you
10 say?
11 MR. LEE: Object to form.
12 THE WITNESS: I would say we follow the
13 PBND standards with regards to how we manage
14 the workforce.
15 MS. SANDLEY: Okay.
16 Q (By Ms. Sandley) Let's look near the bottom
17 of this page. It says, "Review with AW current process
18 on how to enforce inmates arriving to work on time,"
19 and it goes on to say, "Call-out/wake-up call."
20 Does Stewart have a call-out/wake-up call
21 process?
22 A I mean, not other than a supervisor making
23 the note -- call out for the individuals to report to
24 their scheduled work, and then the assigned officers
25 would go in and tell them, you know, it's wake up time

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2 not, I mean, I don't know. I mean, he's
3 obviously reporting some statistical data.
4 Q (By Ms. Sandley) Mr. Gimesh writes -- well,
5 let me withdraw that.
6 That wardens-all email address, that goes to
7 both ICE facility wardens and criminal prison wardens,
8 correct?
9 A Correct. It would go to all wardens that
10 were in the distribution. I mean, unless somebody was
11 new and hadn't been updated, it would typically go to
12 all wardens within the CoreCivic facilities.
13 Q Okay. Let's look at -- well, Mr. Gimesh
14 writes, "I am attaching some tools that have been used
15 to improve this situation over the years, jointly
16 created by Trinity and CCA."
17 So let's scroll down and look at the
18 attachments, the next page. Do you recall receiving
19 this email?
20 A Back in 2014, no, ma'am.
21 Q Were you a warden in 2014?
22 A I was. I've been a warden since 2008.
23 Q Okay. And we're going to look at B --
24 b(iii). So (b) says "Review current process." And it
25 says, "Stance on volunteer workers." Do you know what

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2 or see who's going to work, who's not going to work
3 kind of thing. But to say we have a set time and it's
4 at -- it's when the supervisor makes notification
5 that -- we'll use the kitchen as an example, that the
6 kitchen is ready to receive the workers who wish to
7 come to work.
8 Q Okay. So when you say "supervisor," you mean
9 the supervisor for that particular job position?
10 A More often than not, it's typically shift
11 captain or the shift lieutenant who gets the
12 communication from the Trinity staff that they're ready
13 for their worker to report.
14 Q Okay. And then does the supervisor call down
15 to the unit?
16 A Either the supervisor or central control. It
17 wouldn't necessarily come from the shift captain or
18 lieutenant. It may be from central calling the units
19 to prepare their individuals who are designated to go
20 to work.
21 Q Okay. And then detention officers wake up
22 the people who are scheduled to work for that shift?
23 A That's correct. Obviously, if they're not
24 already awake, but yes.
25 Q Okay. And let's scroll down a little bit to

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2 the next page.

3 Okay, so by little Roman numeral 3, it says,

4 "Who documents inmates for failing to show to work

5 late?" Who does this at Stewart?

6 MR. LEE: Object to form.

7 THE WITNESS: I mean, who documents the

8 detainees? It would be the area work --

9 whoever is in charge of that particular area,

10 whether it's laundry or -- the area

11 supervisor that would document if they didn't

12 report.

13 Q (By Ms. Sandley) And would the area

14 supervisor document whether they were late to work?

15 A Honestly, I don't know that we track that

16 because it's really hard to because it's not like they

17 have a key to let themselves out. They're dependent

18 upon us to let them out, you know. Now, if somebody

19 was beyond the time and everybody else in that pod made

20 it out, they may. I don't know that we have a set

21 standard for what is late versus not late.

22 Q Okay. Let's look at page 4. Okay, so this

23 is another one of the tools Mr. Gimesh attached to his

24 email. Let's zoom in.

25 A Thank you.

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2 don't really have a defined, like I said, process.

3 Q If a detained worker doesn't report to work

4 and a detention officer in their unit wakes them up,

5 tries to get them to come to work, and that doesn't

6 work, is a supervisor notified?

7 A Not typically, no, I mean, because, again,

8 you can't -- there's really no sense in wasting a whole

9 lot of resources for a voluntary program.

10 Q Is that true even when the kitchen is

11 short-staffed?

12 A Yeah, again, whether they're short-staffed or

13 not, I mean, it's not -- we can't force people to work

14 and we don't.

15 Q Sorry, I meant is it true that a supervisor

16 isn't always notified even when the kitchen is

17 short-staffed?

18 A Yeah, they would be notified because then it

19 would become on them to either augment or replace with

20 staff inside the facility or -- and that would really

21 be the only options that they would have, is to engage

22 staff to assist with the preparation and delivery of

23 food.

24 Q Okay.

25 MS. SANDLEY: Let's take this exhibit

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2 Q Does this chart reflect the steps taken if a

3 detained worker at Stewart does not report to work in

4 the kitchen?

5 A No, I won't say that this has been applied

6 here. It's certainly not in place today. I can't

7 speak prior to; but, no, it's not defined like that

8 here.

9 Q Are there certain parts of it that aren't

10 defined like that at Stewart?

11 A It's specifically to the time. I mean, it's

12 got really regimented times in there.

13 Q Okay.

14 A We don't really have any time frames that

15 have been established.

16 Q So apart from the 20-minute time frames

17 there, does this generally show the steps that are

18 taken if a detained worker doesn't report to work?

19 A Not really. I mean, there's not a whole lot

20 of steps in it. I mean, it's -- really don't define,

21 in my opinion, a real process. It's got -- it's a

22 pretty graph, but I don't know that it really has a

23 defined process. You know, the reality is calling down

24 and waking them up, "Are you going to go? Do you want

25 to go?" If they don't go, just moving on. I mean, we

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2 down.

3 Q (By Ms. Sandley) Warden, are you familiar

4 with the Trinity contract?

5 A I won't say I'm fluent. I have seen it, yes,

6 but I won't say I'm fluent.

7 Q Did you review it in preparing for this

8 deposition?

9 A Briefly, yeah.

10 Q The Trinity contract requires CoreCivic to

11 provide a specific number of kitchen workers in the

12 kitchen, correct?

13 A I believe so, yes.

14 Q Okay. And then CoreCivic in turn sets the

15 number of kitchen workers in that Policy 18-100CC that

16 we looked at earlier, correct?

17 A Yes, ma'am.

18 MR. LEE: Object to form.

19 THE WITNESS: Sorry.

20 Q (By Ms. Sandley) And does CoreCivic set that

21 number of kitchen workers in Policy 18-100CC to help

22 ensure that it meets the number of kitchen workers it's

23 required to provide under the Trinity contract?

24 MR. LEE: Object to form.

25 THE WITNESS: That's factored in. I

<p style="text-align: right;">Page 246</p> <p>1 RUSSELL WASHBURN</p> <p>2 mean, I won't say it's exclusive, but it is</p> <p>3 factored in.</p> <p>4 Q (By Ms. Sandley) Because CoreCivic could be</p> <p>5 penalized under the Trinity contract if it doesn't</p> <p>6 provide the number of kitchen workers required,</p> <p>7 correct?</p> <p>8 A I don't know that there's a penalty ability.</p> <p>9 Q You don't know if there's a penalty ability?</p> <p>10 A Yeah, I don't know if -- I don't believe</p> <p>11 there is, but I'm not a hundred percent either.</p> <p>12 Q Okay. Well, I'll represent to you that other</p> <p>13 witnesses in this case have testified that there is a</p> <p>14 penalty ability.</p> <p>15 A Okay.</p> <p>16 MR. LEE: Do you have a copy of the</p> <p>17 contract you want to show him, Counsel?</p> <p>18 MS. SANDLEY: No, we're good.</p> <p>19 Q (By Ms. Sandley) Are CoreCivic staff who are</p> <p>20 assigned to other areas of the facility ever required</p> <p>21 to work in the kitchen?</p> <p>22 A One more time. Which staff?</p> <p>23 Q CoreCivic staff.</p> <p>24 A Oh, yes, ma'am.</p> <p>25 Q Okay. And when that happens, does anyone</p>	<p style="text-align: right;">Page 247</p> <p>1 RUSSELL WASHBURN</p> <p>2 cover their ordinary post?</p> <p>3 A Overtime. As I said, we would cover with</p> <p>4 overtime to cover those posts. So, yes, we would not</p> <p>5 vacate a post that's required to move them to the</p> <p>6 kitchen. We would schedule overtime staff to be in</p> <p>7 addition to.</p> <p>8 Q Okay. Because you can't expect someone to</p> <p>9 work two jobs at one time, correct?</p> <p>10 A Correct.</p> <p>11 Q Okay. Has CoreCivic ever considered hiring</p> <p>12 more employees to work in the kitchen?</p> <p>13 MR. LEE: Object to form.</p> <p>14 THE WITNESS: It's a broad question.</p> <p>15 Stewart specific --</p> <p>16 MS. SANDLEY: Yeah.</p> <p>17 THE WITNESS: -- across the company?</p> <p>18 Not that I'm aware of for Stewart, no</p> <p>19 MS. SANDLEY: Okay.</p> <p>20 Q (By Ms. Sandley) Detained workers at Stewart</p> <p>21 wax and buff the floors, right?</p> <p>22 A They have, yes.</p> <p>23 Q Okay. And why do the floors need to be waxed</p> <p>24 and buffed?</p> <p>25 A To, really, just create a sanitary</p>
<p style="text-align: right;">Page 248</p> <p>1 RUSSELL WASHBURN</p> <p>2 environment.</p> <p>3 Q Okay. And detained workers at Stewart paint</p> <p>4 the facility, correct?</p> <p>5 A They have, yes.</p> <p>6 Q Okay. And why does the facility need to be</p> <p>7 repainted from time to time?</p> <p>8 A Again, to create and to ensure that the</p> <p>9 environment that people are living in is conducive to</p> <p>10 such.</p> <p>11 Q Detained workers clean and dust the facility?</p> <p>12 A They have, in addition -- again, staff on all</p> <p>13 of those in addition to, so yes.</p> <p>14 Q If Stewart never waxed and buffed the floors,</p> <p>15 never repainted, never cleaned and dusted, is it your</p> <p>16 understanding that ICE would continue to contract with</p> <p>17 CoreCivic to operate Stewart?</p> <p>18 MR. LEE: Object to form and foundation.</p> <p>19 THE WITNESS: I mean, the answer is that</p> <p>20 we wouldn't allow that. I mean, that would</p> <p>21 fall below our standards, but ACA standards</p> <p>22 and many of the other standards that we're</p> <p>23 measured on require us to maintain a level of</p> <p>24 sanitation. So CoreCivic as a whole, me as</p> <p>25 the warden, certainly, would not allow the</p>	<p style="text-align: right;">Page 249</p> <p>1 RUSSELL WASHBURN</p> <p>2 facility to fall to that level. So I can't</p> <p>3 answer that question because I wouldn't allow</p> <p>4 it to get there.</p> <p>5 Q (By Ms. Sandley) And if CoreCivic fell below</p> <p>6 those cleanliness and sanitation standards that it's</p> <p>7 required to comply with per its contract, it could be</p> <p>8 found in violation of its contract, correct?</p> <p>9 A That's correct, if it fell below the</p> <p>10 standard, yes.</p> <p>11 Q Okay. Is there any portion of PBNDs that</p> <p>12 prohibits CoreCivic staff from performing barbering?</p> <p>13 A I don't believe so.</p> <p>14 Q Have CoreCivic staff ever barbered at</p> <p>15 Stewart?</p> <p>16 MR. LEE: Object to form.</p> <p>17 THE WITNESS: Not since I've been here.</p> <p>18 I don't recall ever reading of such.</p> <p>19 MS. SANDLEY: Okay.</p> <p>20 Q (By Ms. Sandley) CoreCivic has in the past</p> <p>21 paid detained workers to assist other detained people</p> <p>22 with disabilities at Stewart, correct?</p> <p>23 A I don't know if that's correct or not. I</p> <p>24 believe we have a process in place, but I don't know</p> <p>25 whether we have or -- actually have or have not. I'd</p>

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2 have to look at the record.

3 Q What is the process that's in place?

4 A I mean, you have to -- one, a person has to

5 volunteer; and, two, both individuals have to agree

6 that they're okay with a detainee helper, if you will.

7 So one, it's not forced; and both parties, in

8 this case, would have to agree the person who needs the

9 assistance and that they would also have to be approved

10 by medical in order to provide that assistance.

11 Q When that happens, are those people typically

12 assigned to the same cell if they're in a cell dorm?

13 A Again, classification -- they have to be

14 classification appropriate to even have the

15 interaction. So in the event that we have that case,

16 yes, we would look at that.

17 Q Are there any measures in place in that

18 process to ensure that the person hired to assist a

19 detained person with a disability doesn't work more

20 than 40 hours per week?

21 A I don't know. There's not an actual

22 schedule, especially if they're living together. So I

23 don't know that there would be a system in place for

24 that as far as if they were actually living together,

25 providing that assistance.

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2 detained workers?

3 MR. LEE: Object to form.

4 THE WITNESS: Provided in place of or in

5 addition to?

6 MS. SANDLEY: Let's start with in

7 addition to.

8 THE WITNESS: Am I aware that that has

9 been provided in the past in addition to,

10 yes.

11 MS. SANDLEY: Okay.

12 Q (By Ms. Sandley) And those other incentives

13 have included extra food?

14 A Yes.

15 Q And they've included phone time?

16 A I was not aware until earlier in the day you

17 said that -- I think it was Mr. Swinton testified

18 during his time, that's what he did, so...

19 Q And they've included extra video games and

20 movies in the designated worker housing units, correct?

21 A I would say yes. I mean, that's pretty

22 standard, yeah, so...

23 Q And the practice of offering incentives, that

24 you're aware of, applied generally to all the detained

25 workers at Stewart?

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2 Q Okay. One of the witnesses in this case

3 previously testified that the FSC sets detained worker

4 wages at Stewart. Is that correct?

5 MR. LEE: Object to form.

6 THE WITNESS: I don't know where that

7 came from. No.

8 MS. SANDLEY: Okay.

9 Q (By Ms. Sandley) So that's left up to

10 Stewart staff?

11 A Correct. Typically -- I mean, obviously if

12 we're going to increase, I would have a discussion with

13 the managing director, in my case now, Charles Keeton,

14 and that's really more of an FYI, make sure that he

15 understood why we were doing what we were doing and

16 moving that process, but there's no requirement for

17 approval that I'm aware of.

18 Q Okay. But if, in the course of that

19 conversation with a managing director, he didn't agree

20 with that, he could tell you not to do it, correct?

21 A Yeah, I mean, as my supervisor, he certainly

22 could. I've never experienced that, but he certainly

23 could.

24 Q Okay. Are you aware that CoreCivic has in

25 the past provided incentives other than daily pay to

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2 A Yes.

3 Q Were you aware of the practice of CoreCivic

4 providing phone cards to detained workers in lieu of

5 pay before today?

6 A No.

7 Q What does a \$10 phone card cost CoreCivic?

8 A I'd have to look -- they don't cost, I

9 wouldn't say, CoreCivic anything. We actually sell it

10 for Talton. So I wouldn't say it costs us anything.

11 I'd have to look at the actual sheet, but I don't

12 believe we pay anything, because the cards are not

13 ours.

14 Q Okay. All right, how are you doing, Warden?

15 Do you need a break?

16 A I'm good.

17 Q Okay. Well, let's move on to rules,

18 discipline.

19 There are rules for detained people at

20 Stewart, right?

21 A Yes, ma'am.

22 Q And who makes the rules?

23 A Some of it is PBNDs standards. You have the

24 rule infractions. I think all of our sanctions are

25 from the PBNDs standards. I don't believe we have

<p style="text-align: right;">Page 254</p> <p>1 RUSSELL WASHBURN</p> <p>2 anything that's not applicable to or from the PBNS</p> <p>3 standards.</p> <p>4 Q So PBNS sets out specific disciplinary</p> <p>5 offenses, correct?</p> <p>6 A Correct, yes.</p> <p>7 Q And those are -- are there -- I just want to</p> <p>8 be sure I understand your testimony. You're not aware</p> <p>9 of any other rules at Stewart for which people could be</p> <p>10 disciplined apart from what's in the PBNS, correct?</p> <p>11 A Correct.</p> <p>12 Q Okay. And are the rules at Stewart</p> <p>13 communicated to detained people?</p> <p>14 A Yes.</p> <p>15 Q How?</p> <p>16 A That is in the detainee handbook.</p> <p>17 Q Any other way they're informed about the</p> <p>18 rules?</p> <p>19 A Verbally, you know, through staff during the</p> <p>20 intake process, the unit team's interactions on a, you</p> <p>21 know, regular basis with the detainees. Because part</p> <p>22 of that process, especially if there's somebody who's</p> <p>23 limited in English proficiency, of course the handbook</p> <p>24 is provided in the appropriate language, but through</p> <p>25 interactions with staff as well.</p>	<p style="text-align: right;">Page 255</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Did you review any handbooks from prior to</p> <p>3 your time at Stewart in preparing for this deposition?</p> <p>4 A I don't believe I did.</p> <p>5 Q Did you review the detention standards that</p> <p>6 were in place prior to the PBNS 2011 standards in</p> <p>7 preparing for this deposition?</p> <p>8 A No, ma'am.</p> <p>9 Q Do you know whether the rules that have been</p> <p>10 in place at Stewart since it began operating have</p> <p>11 changed significantly?</p> <p>12 A I don't. I mean, I'm sure we produced it, it</p> <p>13 would be in the records that we produced to you, but I</p> <p>14 can't sit here and tell you that today.</p> <p>15 Q What happens when a detained person at</p> <p>16 Stewart breaks a rule?</p> <p>17 A It depends on the type of rule. Obviously,</p> <p>18 if it's something minor, staff are encouraged to try to</p> <p>19 informally address that behavior and correct it with</p> <p>20 the detainee. But if it's something that you've either</p> <p>21 addressed multiple times or it's something of a</p> <p>22 significant nature, then they would generate the</p> <p>23 disciplinary report on that particular detainee,</p> <p>24 utilizing the appropriate offense code and title, and</p> <p>25 then ultimately turn that over to the supervisor.</p>
<p style="text-align: right;">Page 256</p> <p>1 RUSSELL WASHBURN</p> <p>2 The supervisor then would make a determination of what</p> <p>3 is the appropriate course of action.</p> <p>4 The majority of ours are administrative in</p> <p>5 nature, do not require a person to be placed into</p> <p>6 restricted housing pending that disciplinary. But in</p> <p>7 some cases, they are.</p> <p>8 For example, two guys that are actively</p> <p>9 aggressive and fighting, they're more likely going to</p> <p>10 be placed into restrictive housing and administrative</p> <p>11 confinement pending the resolution of that</p> <p>12 disciplinary. And more often than not, it's a cool-off</p> <p>13 period for the two guys to get their heads back</p> <p>14 together and get out of segregation.</p> <p>15 But from there, the disciplinary would be</p> <p>16 served to the detainee. They would be advised of the</p> <p>17 charges in the appropriate language. And they document</p> <p>18 if the person does not speak English, what language and</p> <p>19 the operator that provided that service for them, and</p> <p>20 then they're given a copy of the disciplinary as well.</p> <p>21 And then ultimately they're scheduled and set</p> <p>22 for a hearing with a disciplinary hearing staff. And</p> <p>23 then they'll actually do the hearing and, again, use</p> <p>24 the LanguageLine if necessary to communicate the</p> <p>25 outcome of that hearing.</p>	<p style="text-align: right;">Page 257</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Disciplinary reports -- you referred to those</p> <p>3 just now -- are those also called write-ups?</p> <p>4 A Yeah, disciplinary reports, write-ups, DRs,</p> <p>5 yes, ma'am.</p> <p>6 Q Okay. And you referred to both restrictive</p> <p>7 housing and segregation. Are those terms</p> <p>8 interchangeable at Stewart?</p> <p>9 A Really, restrictive housing is the term that</p> <p>10 we have. It's bad habits of segregation, but</p> <p>11 restrictive housing.</p> <p>12 Q People used to call it segregation, right?</p> <p>13 A Yes, ma'am.</p> <p>14 Q And sometimes people still call it that,</p> <p>15 right?</p> <p>16 A Old habits are hard to kick, but yes.</p> <p>17 Q Yeah.</p> <p>18 Okay. Stewart has a disciplinary policy,</p> <p>19 correct?</p> <p>20 A Correct.</p> <p>21 Q It's Policy 15-100?</p> <p>22 A Yes, ma'am.</p> <p>23 Q That's a CoreCivic policy?</p> <p>24 A Correct.</p> <p>25 Q And that policy is created by the FSC?</p>

<p style="text-align: right;">Page 258</p> <p>1 RUSSELL WASHBURN</p> <p>2 A Correct.</p> <p>3 Q And it applies to all CoreCivic staff at</p> <p>4 Stewart?</p> <p>5 A It does, yes.</p> <p>6 Q Does CoreCivic have to notify ICE of the</p> <p>7 results of disciplinary proceedings?</p> <p>8 A Not the results, no.</p> <p>9 Q Does CoreCivic have to notify ICE if someone</p> <p>10 is sent to disciplinary segregation?</p> <p>11 A Yes.</p> <p>12 Q Is that notification to ICE required just</p> <p>13 once, or is there a periodic notification as long as</p> <p>14 that person is in segregation?</p> <p>15 A We make notification, but they actually</p> <p>16 participate in the weekly restrictive housing committee</p> <p>17 reviews. So they go through every person that's</p> <p>18 currently residing in restrictive housing, discuss them</p> <p>19 individually, and then are part of the discussion about</p> <p>20 what's the appropriate method for either releasing the</p> <p>21 person, continuing them in restrictive housing, as well</p> <p>22 as mental health is involved with that committee as</p> <p>23 well. So we're evaluating them exclusively not only</p> <p>24 for security side, but the medical side, and having ICE</p> <p>25 involved in that conversation, and that happens every</p>	<p style="text-align: right;">Page 259</p> <p>1 RUSSELL WASHBURN</p> <p>2 Wednesday at 10:30.</p> <p>3 Q Okay. Why is mental health involved in the</p> <p>4 weekly segregation reviews?</p> <p>5 A Just to make sure we're on track and</p> <p>6 providing -- you know, if there's somebody at risk,</p> <p>7 specifically if there's someone that maybe is in</p> <p>8 restrictive housing who has had suicidal ideations in</p> <p>9 the past or, you know, just being in a restricted area,</p> <p>10 we want to make sure that they're clinically okay, and</p> <p>11 if there's not, that we're taking the appropriate</p> <p>12 medical actions to address whatever issues that they</p> <p>13 may be having.</p> <p>14 Q All right, let's take a look at Exhibit 27,</p> <p>15 CCBVA244.</p> <p>16 (Exhibit 27 marked for identification.)</p> <p>17 Q (By Ms. Sandley) All right, and this is the</p> <p>18 Stewart handbook, correct?</p> <p>19 A Yes. It's an excerpt of, but I don't know</p> <p>20 what the date is on that one.</p> <p>21 Q Let's scroll down so you can see the date.</p> <p>22 There we go.</p> <p>23 Do you see that "Revised" at the bottom</p> <p>24 there?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 260</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q So it looks like April 2019?</p> <p>3 A It's been revised since then, I believe.</p> <p>4 Q Okay. So you believe there's a different</p> <p>5 version in place currently?</p> <p>6 A Yes, ma'am.</p> <p>7 Q Do you know if the revisions from version to</p> <p>8 version to the Stewart handbook are typically</p> <p>9 significant?</p> <p>10 A There was quite a few changes, if memory</p> <p>11 serves me correct, that we went through the process,</p> <p>12 and it's been since I've been here, so I would</p> <p>13 certainly say there's a revised handbook, I believe.</p> <p>14 Q Okay. The handbook, is it provided to every</p> <p>15 detained person at Stewart?</p> <p>16 A Yes.</p> <p>17 Q Is it provided at intake?</p> <p>18 A Yes, it is.</p> <p>19 Q Can they get a copy of the handbook at any</p> <p>20 other time?</p> <p>21 A I mean, if they've lost theirs or it was</p> <p>22 damaged, then they can request it from their unit team</p> <p>23 members, case manager, unit manager --</p> <p>24 Q Is the --</p> <p>25 A I'm sorry.</p>	<p style="text-align: right;">Page 261</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Sorry. Is the handbook or portions of the</p> <p>3 handbook posted in the housing units at Stewart?</p> <p>4 A I believe they are. I think there is</p> <p>5 sections of it that are posted.</p> <p>6 Q Is the handbook translated into other</p> <p>7 languages?</p> <p>8 A Yes. I believe we have it in nine different</p> <p>9 languages now.</p> <p>10 Q Okay. Do you know which ones?</p> <p>11 A Not all. I mean, I know we have, obviously,</p> <p>12 English, Spanish, Punjabi, Arabic, Russian, French. I</p> <p>13 can't remember them all. I can certainly provide that.</p> <p>14 I don't remember them all.</p> <p>15 Q And is the decision to translate the handbook</p> <p>16 into another language that it hasn't been translated</p> <p>17 into already based on who is housed at Stewart?</p> <p>18 A Yes.</p> <p>19 Q Okay. And at what point would you decide</p> <p>20 "Oh, we need to get the handbook translated to this</p> <p>21 other language"?</p> <p>22 A We really just look at the numbers. I don't</p> <p>23 know if we have a set number. Obviously, if we have</p> <p>24 one person, it would be challenging to do that because</p> <p>25 there's, specifically, so many dialects of different</p>

<p style="text-align: right;">Page 262</p> <p>1 RUSSELL WASHBURN</p> <p>2 languages. If we have one or two individuals, we'd use</p> <p>3 the LanguageLine to provide that assistance to it for</p> <p>4 us. But there's no set number that I'm aware of that</p> <p>5 says if you have X amount that speak this specific</p> <p>6 language -- in fact, we exceed PBNS standard</p> <p>7 requirements for the number of translations that we</p> <p>8 actually physically have.</p> <p>9 Q Does the FSC approve the Stewart handbook?</p> <p>10 A No.</p> <p>11 Q Is the FSC provided a copy of the handbook</p> <p>12 when it's revised?</p> <p>13 A I don't believe so.</p> <p>14 Q So the managing director doesn't have a copy</p> <p>15 of the current Stewart handbook?</p> <p>16 A I don't believe he would.</p> <p>17 Q Let's look at page 32 of this document.</p> <p>18 Okay, and this is the discipline section of</p> <p>19 the handbook, right?</p> <p>20 A Yes, it is.</p> <p>21 Q Okay. And let's scroll down to where the --</p> <p>22 if that's the start -- there we go.</p> <p>23 So this portion of the handbook lists rule</p> <p>24 violations for which detained people can be sanctioned,</p> <p>25 correct?</p>	<p style="text-align: right;">Page 263</p> <p>1 RUSSELL WASHBURN</p> <p>2 A Yes, ma'am.</p> <p>3 Q And are these all of the offenses that are in</p> <p>4 the PBNS?</p> <p>5 A I believe they are.</p> <p>6 Q Are there any offenses in here that aren't in</p> <p>7 the PBNS?</p> <p>8 A I do not believe there is.</p> <p>9 Q And the handbook also lists the possible</p> <p>10 sanctions for each rule violation?</p> <p>11 A Yes.</p> <p>12 Q So every detained person at Stewart is made</p> <p>13 aware of the rules and the possible sanctions for</p> <p>14 violating them, correct?</p> <p>15 A Correct.</p> <p>16 Q Are the sanctions listed here consistent with</p> <p>17 the PBNS?</p> <p>18 A Yes, I believe they're directly from the</p> <p>19 PBNS.</p> <p>20 Q Okay. And they include segregation, correct?</p> <p>21 A Yes.</p> <p>22 Q Loss of commissary?</p> <p>23 A Yes.</p> <p>24 Q Loss of visits?</p> <p>25 A When we have visits, yes.</p>
<p style="text-align: right;">Page 264</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q And loss of phone calls?</p> <p>3 A I believe so, yes.</p> <p>4 MS. SANDLEY: Let's scroll down, Jackie,</p> <p>5 to the next page. Can we scroll down more.</p> <p>6 Okay.</p> <p>7 Q (By Ms. Sandley) And here in the "High</p> <p>8 Offense Category," loss of job is a possible sanction?</p> <p>9 A Yes.</p> <p>10 Q Do you see that?</p> <p>11 A Where are -- yes, loss of job, I see it.</p> <p>12 Q Is that sanction listed as a possible</p> <p>13 sanction in the PBNS?</p> <p>14 A Yes, I believe it is.</p> <p>15 Q The sanctions listed here -- let's look at</p> <p>16 the disciplinary segregation, for example. It says up</p> <p>17 to 30 days. So that's up to CoreCivic's discretion on</p> <p>18 how many days of segregation are imposed as the</p> <p>19 sanction, correct?</p> <p>20 A Correct. And then ICE is a part of that</p> <p>21 review every seven days and certainly -- say we need to</p> <p>22 release a person, they have the ability to require us</p> <p>23 to release them.</p> <p>24 Q And then loss of privileges, is that</p> <p>25 typically imposed for a set number of days?</p>	<p style="text-align: right;">Page 265</p> <p>1 RUSSELL WASHBURN</p> <p>2 A Yes, ma'am. You know, to be consistent, the</p> <p>3 disciplinary hearing officer would have, you know,</p> <p>4 previous disciplinaries of that nature and what that</p> <p>5 looked like, so we're consistent.</p> <p>6 Q PBNS doesn't define any of the offenses</p> <p>7 listed here beyond the text we see here, correct?</p> <p>8 A Not that I'm aware of.</p> <p>9 Q So it's up to CoreCivic staff to identify</p> <p>10 instances of these offenses, correct?</p> <p>11 A I don't think I understand. You're asking me</p> <p>12 which would be the appropriate --</p> <p>13 Q Uh-huh.</p> <p>14 A -- category to apply -- then, yes, we would</p> <p>15 evaluate the infraction and then apply it to the most</p> <p>16 applicable rule violation.</p> <p>17 Q Okay. And, for example, with the work</p> <p>18 stoppage offense, PBNS doesn't define work stoppage,</p> <p>19 right?</p> <p>20 A That's correct.</p> <p>21 Q So that's up to CoreCivic to define work</p> <p>22 stoppage, right?</p> <p>23 A Correct.</p> <p>24 Q And to determine whether a specific incident</p> <p>25 qualifies as a work stoppage, correct?</p>

<p style="text-align: right;">Page 266</p> <p>1 RUSSELL WASHBURN</p> <p>2 A That's correct.</p> <p>3 Q Okay. And the handbook itself also doesn't</p> <p>4 define any of these offenses beyond what's written</p> <p>5 here, correct?</p> <p>6 A No. That's what we're looking at, is the</p> <p>7 handbook.</p> <p>8 Q Okay. Does the CoreCivic discipline policy</p> <p>9 define any of these offenses further?</p> <p>10 A I do not believe so, no.</p> <p>11 Q Are CoreCivic staff at Stewart trained on how</p> <p>12 to identify certain rule violations?</p> <p>13 MR. LEE: Object to form.</p> <p>14 THE WITNESS: They're educated on the</p> <p>15 standard and they're educated on the policy,</p> <p>16 and so to that degree, yes. To say that</p> <p>17 they're given every scenario and this is the</p> <p>18 appropriate code, I don't know that you could</p> <p>19 do a training on that.</p> <p>20 Q (By Ms. Sandley) So there is not a training</p> <p>21 provided to CoreCivic staff where they walk through</p> <p>22 scenarios or hypotheticals and learn to define the</p> <p>23 offenses that way; is that correct?</p> <p>24 MR. LEE: Object to form.</p> <p>25 THE WITNESS: We have disciplinary</p>	<p style="text-align: right;">Page 267</p> <p>1 RUSSELL WASHBURN</p> <p>2 training. And, like I said, it's a highlight</p> <p>3 of the curriculum, the policies, and the</p> <p>4 standards, but not specific to every</p> <p>5 scenario, no.</p> <p>6 MS. SANDLEY: Okay.</p> <p>7 Q (By Ms. Sandley) And CoreCivic staff are</p> <p>8 expected to implement the discipline policy uniformly</p> <p>9 across the facility, right?</p> <p>10 A That's correct.</p> <p>11 Q And as far as CoreCivic knows, that's what's</p> <p>12 happening at Stewart; is that right?</p> <p>13 A That's correct.</p> <p>14 Q Let's look at the next exhibit, No. 28,</p> <p>15 CCBVA106421.</p> <p>16 (Exhibit 28 marked for identification.)</p> <p>17 Q (By Ms. Sandley) Okay, and this is the food</p> <p>18 service post order from Stewart, correct?</p> <p>19 A I don't see anything.</p> <p>20 Q Oh, sorry.</p> <p>21 A Oh, there we go. It kicked off for some</p> <p>22 reason on my end. Sorry. Yes, it is.</p> <p>23 Q Okay. And this one is effective January</p> <p>24 30 -- oh, sorry, at Stewart March 31, 2017.</p> <p>25 Do you know if this is the post order</p>
<p style="text-align: right;">Page 268</p> <p>1 RUSSELL WASHBURN</p> <p>2 currently in effect at Stewart?</p> <p>3 A I believe it is. I mean, it's time for</p> <p>4 review, but yes, I believe it is.</p> <p>5 Q The FSC creates post orders?</p> <p>6 A Yes.</p> <p>7 Q And are all officers assigned to a post</p> <p>8 required to follow the post order for their post?</p> <p>9 A Yes.</p> <p>10 MS. SANDLEY: All right, we can take</p> <p>11 this exhibit down.</p> <p>12 Q (By Ms. Sandley) Are you aware that there</p> <p>13 have been instances at Stewart when detained people</p> <p>14 were disciplined for refusing to work?</p> <p>15 MR. LEE: Object to form.</p> <p>16 THE WITNESS: In what period of time?</p> <p>17 MS. SANDLEY: During the relevant period</p> <p>18 for this case.</p> <p>19 THE WITNESS: Without seeing the</p> <p>20 document, no.</p> <p>21 Q (By Ms. Sandley) You're not aware?</p> <p>22 A No.</p> <p>23 Q Okay. Are you aware that people detained at</p> <p>24 Stewart have been disciplined for asking for the pay</p> <p>25 they were promised?</p>	<p style="text-align: right;">Page 269</p> <p>1 RUSSELL WASHBURN</p> <p>2 MR. LEE: Object to form.</p> <p>3 THE WITNESS: No, I'm not aware of that.</p> <p>4 Q (By Ms. Sandley) Stewart's segregation unit</p> <p>5 is a cell unit, correct?</p> <p>6 A Yes.</p> <p>7 Q And it's Unit 7?</p> <p>8 A 7 Alpha, correct, yes.</p> <p>9 Q Okay. And it includes both administrative</p> <p>10 segregation and disciplinary segregation?</p> <p>11 A Yes.</p> <p>12 Q And people on suicide or mental health watch</p> <p>13 are also sometimes housed in Unit 7 Alpha, correct?</p> <p>14 A Yes, ma'am, they are.</p> <p>15 Q And individuals housed in segregation at</p> <p>16 Stewart are locked in their cells unless they're</p> <p>17 specifically allowed out for a certain activity,</p> <p>18 correct?</p> <p>19 A That's correct.</p> <p>20 MR. LEE: Object to form.</p> <p>21 Q (By Ms. Sandley) And those activities</p> <p>22 include recreation?</p> <p>23 A Yes.</p> <p>24 Q They include medical care?</p> <p>25 A Yes.</p>

<p style="text-align: right;">Page 270</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Legal visits?</p> <p>3 A Yes.</p> <p>4 Q Limited visitation?</p> <p>5 A They have tablets now, so they can do,</p> <p>6 obviously, visitation within their cell or -- so yes.</p> <p>7 Q Is in-person visitation allowed right now at</p> <p>8 Stewart?</p> <p>9 A No, ma'am.</p> <p>10 Q Okay. Do you know if before COVID people in</p> <p>11 segregation at Stewart were allowed limited in-person</p> <p>12 visitation?</p> <p>13 A I do not know. I mean, just across</p> <p>14 CoreCivic, typically inmates and detainees are allowed,</p> <p>15 they have designated times for appropriate visits.</p> <p>16 Q Are there any other activities that people in</p> <p>17 segregation are allowed out of their cells for?</p> <p>18 A They do allow them out to watch movies for</p> <p>19 administrative or the ones that may be down there that</p> <p>20 are for a medical purpose.</p> <p>21 Now, if they're on suicide watch, they</p> <p>22 wouldn't be allowed out. They would be under direct</p> <p>23 supervision, meaning if we had somebody in that</p> <p>24 particular cell, there would be an officer sitting</p> <p>25 directly outside of that cell 24/7 keeping a constant</p>	<p style="text-align: right;">Page 271</p> <p>1 RUSSELL WASHBURN</p> <p>2 observation on them. And they're a threat, obviously,</p> <p>3 to themselves, so we would follow the direction of</p> <p>4 mental health as far as what activities that they would</p> <p>5 be allowed out of cell for and doing those things.</p> <p>6 But, yeah, we do have a table in the day room that they</p> <p>7 do allow them -- not disciplinary, but the</p> <p>8 administrative to come out.</p> <p>9 Q So people in disciplinary segregation are not</p> <p>10 allowed out of their cell to sit in the table in the</p> <p>11 day room, correct?</p> <p>12 A That's correct.</p> <p>13 Q They're not allowed out of their cells to</p> <p>14 watch movies, correct?</p> <p>15 A That's correct. Now, still, the movies are</p> <p>16 shown and they can watch through their window, but not</p> <p>17 actually physically go out and sit in the day room.</p> <p>18 Q Do you know about how many hours per week</p> <p>19 people in administrative segregation are allowed out of</p> <p>20 their cells to watch movies?</p> <p>21 A Not specific to movies, no.</p> <p>22 Q Is there a policy requiring that?</p> <p>23 A No.</p> <p>24 Q Okay. Is it up to the officer assigned to</p> <p>25 segregation to decide?</p>
<p style="text-align: right;">Page 272</p> <p>1 RUSSELL WASHBURN</p> <p>2 A As far as what, coming out to watch TV?</p> <p>3 Q Uh-huh.</p> <p>4 A Yes. Yes. Now, there is expectations and</p> <p>5 standards for showers and recreation and out-of-cell</p> <p>6 time for that period, but not specifically to watch TV.</p> <p>7 Q Okay. That was where I was going to go next.</p> <p>8 The recreation in segregation is limited to one hour</p> <p>9 five days per week; is that right?</p> <p>10 A That's what the standard is, but we offer two</p> <p>11 hours to everybody.</p> <p>12 Q Okay. To everybody in disciplinary</p> <p>13 segregation?</p> <p>14 A Disciplinary or administrative.</p> <p>15 Q Okay, and that's -- and is it still limited</p> <p>16 to five days per week?</p> <p>17 A Yes, it is.</p> <p>18 Q Okay. Do people get that two hours a day</p> <p>19 every day?</p> <p>20 A Yes.</p> <p>21 Q And that amount of recreation time, is that</p> <p>22 less than what is offered in general population?</p> <p>23 A Not currently under the COVID protocols.</p> <p>24 Each are offered at least one hour out of -- for</p> <p>25 recreation for the general housing currently because of</p>	<p style="text-align: right;">Page 273</p> <p>1 RUSSELL WASHBURN</p> <p>2 the number of quarantine pods, cohort pods, and the</p> <p>3 requirement to keep everybody separated and still</p> <p>4 access those yards.</p> <p>5 Q Before COVID, would two hours per day of</p> <p>6 recreation time five days a week have been less than</p> <p>7 what is offered in general population?</p> <p>8 A Yes, it would have been less than.</p> <p>9 Q Okay. And the property that people detained</p> <p>10 in segregation are allowed to have is limited, correct?</p> <p>11 A For disciplinary, yes. For administrative,</p> <p>12 no.</p> <p>13 Q The items people in segregation can purchase</p> <p>14 in commissary are limited, correct?</p> <p>15 A Again, for administrative, I don't believe</p> <p>16 so. Disciplinary, yes, but not for administrative.</p> <p>17 Q And phone access in segregation is limited,</p> <p>18 correct?</p> <p>19 A For disciplinary.</p> <p>20 Q Okay, so it's less than what they would have</p> <p>21 in the general population, correct?</p> <p>22 A Correct.</p> <p>23 Q And what is law library access in segregation</p> <p>24 like at Stewart?</p> <p>25 A Well, we have a law library in restrictive</p>

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2 housing, and so really it's kind of unimpeded. So

3 they -- officers -- there's no requirement to say you

4 can only go once a day or whether you can go 10 times a

5 day. And that's the reason that we have it in

6 restrictive housing, to allow that access as necessary.

7 Q Is the law library in segregation a room?

8 A Yes.

9 Q Okay. Could two people in disciplinary

10 segregation be in the law library together?

11 A No.

12 Q And, then, people in the segregation at

13 Stewart shower three times a week, correct?

14 A For disciplinary -- we pretty much offer it

15 for administrative, I think, daily; but for

16 disciplinary, I think that's correct.

17 Q And people in general population can shower

18 every day if they choose to, correct?

19 A That's correct.

20 MS. SANDLEY: All right, why don't we

21 take a quick 10-minute break. Is that okay

22 with you, Warden?

23 THE WITNESS: Works for me. I'll run

24 out to the restroom. Thank you.

25 (Recess taken.)

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2 referenced earlier. He's -- I think there's been

3 several others between Gimesh and him, but he's in that

4 role, so I guess he'd be the director.

5 Q Okay. Does CoreCivic exercise oversight over

6 Trinity's food services at Stewart?

7 A At all of the CoreCivic sites, yes.

8 Q And what does that look like at Stewart?

9 A In what regard?

10 Q How does CoreCivic exercise oversight over

11 Trinity's provision of food services at Stewart?

12 A Got you. So, I mean, through audit

13 mechanisms, part of the operational audit is measuring

14 the policies and the standards that are applicable

15 there. Communications with Trinity on a regular basis,

16 as well as the assistant warden of operations -- or,

17 I'm sorry, assistant warden of programs.

18 Q So the audit tool developed by FSC that we

19 looked at earlier, is that one of the ways --

20 A Yes, ma'am.

21 Q -- CoreCivic exercises oversight over

22 Trinity?

23 A Yes.

24 Q Who creates the menus at Stewart?

25 A They are produced by Trinity and approved by

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2 Q (By Ms. Sandley) All right, Warden Washburn,

3 we're going to move on to food now, okay?

4 A Okay.

5 Q I hope you got a snack on the break.

6 Is CoreCivic for responsible for ensuring

7 that people detained at Stewart are provided

8 nutritionally adequate food?

9 A Yes.

10 Q And who at CoreCivic is responsible for

11 overseeing the provision of food services at Stewart?

12 A The assistant warden of operations, as far as

13 CoreCivic goes, is the direct oversight and then

14 obviously through me -- or to me, but Trinity food

15 service also have a food service supervisor and an

16 assistant shift supervisor that's here at the facility.

17 And then they have their headquarters, for lack of

18 understanding what they call themselves, leadership as

19 well that would oversight the food service manager.

20 Q And who at CoreCivic is responsible for

21 overseeing the Trinity contract?

22 A Mr. Musil [phonetic], I believe, is the last

23 name.

24 Q Is he a person who works in the FSC?

25 A He is. He replaced the John Gimesh that we

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2 a licensed dietitian.

3 Q Does CoreCivic have to approve the menus?

4 A Yes.

5 Q Is that someone at CoreCivic FSC?

6 A FSC approves and I also sign as the approval

7 once FSC has agreed and signed off on it and the

8 dietitian as well.

9 Q Has the Trinity dietitian ever visited

10 Stewart?

11 A Not since -- not that I'm aware of since I've

12 been here. I can't speak from the duration of, but not

13 since I've been here that I can recall.

14 Q Okay. And has CoreCivic ever refused to give

15 final approval to Trinity menus?

16 A Not that I'm --

17 MR. LEE: Object.

18 THE WITNESS: Sorry.

19 Not that I'm aware of.

20 Q (By Ms. Sandley) Has CoreCivic ever sent

21 menus back for revision?

22 MR. LEE: Object to form.

23 THE WITNESS: Can you specify -- what do

24 you mean by "revision"?

25 Q (By Ms. Sandley) Has CoreCivic ever asked

<p style="text-align: right;">Page 278</p> <p>1 RUSSELL WASHBURN</p> <p>2 Trinity to change a menu before it was implemented?</p> <p>3 MR. LEE: Object to form.</p> <p>4 THE WITNESS: No, I mean -- I mean,</p> <p>5 there's been recommendations and suggestions</p> <p>6 to change menu items, specifically if you've</p> <p>7 got a specific meal or item on the menu that</p> <p>8 is not necessarily popular amongst the</p> <p>9 population. You know, you have those</p> <p>10 conversations that occur locally. But,</p> <p>11 again, it has to go through that approval</p> <p>12 process, it has to go through the dietitian</p> <p>13 before you can just simply remove an item and</p> <p>14 replace it with a different item.</p> <p>15 MS. SANDLEY: Okay.</p> <p>16 Q (By Ms. Sandley) So when an item is changed</p> <p>17 on the menu, that has to be approved by FSC, correct?</p> <p>18 A That's correct.</p> <p>19 Q Are menus also approved by ICE?</p> <p>20 A Yes. I don't know that they require it. I</p> <p>21 can tell you that I've sent the menu to ICE to ensure</p> <p>22 that they had no concerns with it, but as far as -- I</p> <p>23 don't believe there's a requirement.</p> <p>24 (Exhibit 29 marked for identification.)</p> <p>25 MS. SANDLEY: Let's look at Exhibit 29.</p>	<p style="text-align: right;">Page 279</p> <p>1 RUSSELL WASHBURN</p> <p>2 And this is Bates number ICE-Barrientos 12202</p> <p>3 [sic]. Let's go to the next page. Sorry,</p> <p>4 Jackie, can you scroll up to see who this</p> <p>5 email is sent to.</p> <p>6 Q (By Ms. Sandley) All right, so this is -- do</p> <p>7 you know who any of these people are in the "From,"</p> <p>8 "Sent," "To," "cc" lines?</p> <p>9 A I know John Bretz. That's the only one I</p> <p>10 know on the list up there.</p> <p>11 Q Okay. And he's someone who works for ICE,</p> <p>12 correct?</p> <p>13 A He no longer works for ICE, but he did when I</p> <p>14 arrived.</p> <p>15 Q Okay. And I'm looking at where it says</p> <p>16 "SDC Situation Report." This is dated September 5th,</p> <p>17 2015, right?</p> <p>18 A Correct.</p> <p>19 Q Okay. Do you -- I want to scroll down. This</p> <p>20 is in the first bullet point, sort of towards the end</p> <p>21 of that paragraph.</p> <p>22 It says, "AW Blue informed me that detainees</p> <p>23 would start receiving boiled eggs twice a week with</p> <p>24 breakfast next week, and that they were working to</p> <p>25 improve the taste of some of the food items such as</p>
<p style="text-align: right;">Page 280</p> <p>1 RUSSELL WASHBURN</p> <p>2 oatmeal served for breakfast." Do you see that?</p> <p>3 A Yes, I do.</p> <p>4 Q And AW Blue was a CoreCivic employee at</p> <p>5 Stewart, correct?</p> <p>6 A That's correct.</p> <p>7 Q Do you know if there was a time at Stewart</p> <p>8 when detained people didn't receive eggs for breakfast?</p> <p>9 A I do not know without looking back at the</p> <p>10 record.</p> <p>11 Q Okay.</p> <p>12 MR. LEE: Object to form.</p> <p>13 MS. SANDLEY: Jackie, can we scroll down</p> <p>14 a little more. Okay.</p> <p>15 Q (By Ms. Sandley) And then do you see the</p> <p>16 bullet point where it says, "Detainees made complaints</p> <p>17 about food services, no milk, no eggs, and commissary"?</p> <p>18 A I do.</p> <p>19 Q Do you know if there was a time at Stewart</p> <p>20 when detained people weren't provided milk?</p> <p>21 A Not without looking at the record.</p> <p>22 MS. SANDLEY: All right, let's take this</p> <p>23 exhibit down. We'll also be sure to drop it</p> <p>24 in the chat. Sorry about that, Jacob.</p> <p>25 Q (By Ms. Sandley) Who determines the caloric</p>	<p style="text-align: right;">Page 281</p> <p>1 RUSSELL WASHBURN</p> <p>2 intake for the menus set at Stewart?</p> <p>3 A The licensed dietitian.</p> <p>4 Q Okay. And do you know if that caloric intake</p> <p>5 amount has decreased in the last two years?</p> <p>6 A I don't know, no.</p> <p>7 Q And the FSC would have to approve any change</p> <p>8 in that caloric intake, correct?</p> <p>9 A That's correct.</p> <p>10 Q You talked earlier about meal monitoring</p> <p>11 forms, correct?</p> <p>12 A Yes.</p> <p>13 Q Who all at Stewart completes meal monitoring</p> <p>14 forms?</p> <p>15 A All of the administrative duty staff, which</p> <p>16 would be inclusive of the warden, assistant wardens,</p> <p>17 chief of security, chief of unit management, assistant</p> <p>18 chief of security, shift supervisors, unit managers,</p> <p>19 and assistant shift supervisors.</p> <p>20 Q And are those people trained on how to</p> <p>21 complete the meal monitoring forms?</p> <p>22 A Yes.</p> <p>23 Q How are they trained?</p> <p>24 A They're trained through on-the-job training</p> <p>25 and supervisor training that they undertake. So they</p>

<p style="text-align: right;">Page 282</p> <p>1 RUSSELL WASHBURN</p> <p>2 physically take them to the kitchen, walk them through</p> <p>3 the process of what they're looking for, how to measure</p> <p>4 for compliance, whether it's recipe adherence to</p> <p>5 temperature requirements.</p> <p>6 The form also contains what the requirements</p> <p>7 are as far as hot foods, what is the temperature</p> <p>8 required to be, what are the cold food temperatures,</p> <p>9 and it's right on the bottom of the form, so they can</p> <p>10 tell whether or not it's within the appropriate range.</p> <p>11 And then they also talk about the sanitation</p> <p>12 of the line to ensure that it's kept clean at all</p> <p>13 times, that they're temping the food, as one pan runs</p> <p>14 out, that before they start serving out the next pan,</p> <p>15 it's re-temped to verify that it's at the required temp</p> <p>16 before they continue -- continue the line. If there's</p> <p>17 any issues with the food production or process, to stop</p> <p>18 it until that --</p> <p>19 MS. SANDLEY: Warden, I think we lost</p> <p>20 you for just a second.</p> <p>21 Michelle, did you get all that?</p> <p>22 THE WITNESS: It jumped, so -- sorry.</p> <p>23 (Discussion off the record.)</p> <p>24 Q (By Ms. Sandley) If something is found to be</p> <p>25 noncompliant by a staff person completing a meal</p>	<p style="text-align: right;">Page 283</p> <p>1 RUSSELL WASHBURN</p> <p>2 monitoring form, is corrective action required to be</p> <p>3 taken?</p> <p>4 A Depending on what the issue is. There's</p> <p>5 certain criteria that -- what we call a food service</p> <p>6 incident report that would be completed. It would then</p> <p>7 be sent to the food service manager and Trinity, and</p> <p>8 then they would be required to do a corrective action</p> <p>9 plan on that particular issue.</p> <p>10 Now, again, if it was a simple thing, that</p> <p>11 the food in the container didn't temp out at that given</p> <p>12 second and it was resolved, you know, by putting it</p> <p>13 back into either the warmer or putting it back into the</p> <p>14 cooler, nothing was served, then that wouldn't be a</p> <p>15 food service complaint. But if we run out of food or</p> <p>16 run out of a product and then they have to cook more</p> <p>17 and there's a 15-minute delay, that can result in a</p> <p>18 food service incident report being filed.</p> <p>19 Q What types of -- all right, so a delay could</p> <p>20 result in an incident report being filed, correct?</p> <p>21 A It could, yes.</p> <p>22 Q Okay. What other types of incidents?</p> <p>23 A Again, if there was -- trying to do an</p> <p>24 unapproved substitution for an item, then -- you know,</p> <p>25 you go in and you find the menu says you're providing</p>
<p style="text-align: right;">Page 284</p> <p>1 RUSSELL WASHBURN</p> <p>2 these specific products and we find that we're serving</p> <p>3 Jell-O in place of cookies and that wasn't</p> <p>4 pre-approved, then that could result in an incident</p> <p>5 report.</p> <p>6 Q What if a detained person finds a foreign</p> <p>7 object in their food, should that result in an incident</p> <p>8 report?</p> <p>9 MR. LEE: Object to form.</p> <p>10 THE WITNESS: It could. Obviously it</p> <p>11 would have to be verified that there was a</p> <p>12 product in there or something in the food;</p> <p>13 but, yes, it could result in one.</p> <p>14 Q (By Ms. Sandley) Would it necessarily have</p> <p>15 to result in an incident report?</p> <p>16 MR. LEE: Object to form.</p> <p>17 THE WITNESS: Not necessarily. I'll</p> <p>18 give an example. If you've got dried beans,</p> <p>19 there's certainly a chance that you may find</p> <p>20 a rock or a piece of rock sometimes in dried</p> <p>21 beans. If it was, you know,</p> <p>22 [indiscernible] -- if it was something that</p> <p>23 was potentially deliberately placed into the</p> <p>24 food, then there could be one that would</p> <p>25 result in that.</p>	<p style="text-align: right;">Page 285</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q (By Ms. Sandley) So only if an object is</p> <p>3 deliberately placed in food is a food incident report</p> <p>4 completed?</p> <p>5 MR. LEE: Object to form.</p> <p>6 THE WITNESS: I won't say only. I mean,</p> <p>7 each situation is going to be different, but</p> <p>8 there's not anything that I'm aware of that</p> <p>9 says if these specific items are found in</p> <p>10 food, you must do a food service incident</p> <p>11 report.</p> <p>12 MS. SANDLEY: Okay.</p> <p>13 Q (By Ms. Sandley) And where are those forms</p> <p>14 maintained?</p> <p>15 A They're part of our policy. I believe it's</p> <p>16 11 dash -- it's a letter -- 11-1(I), I think, is the</p> <p>17 food service incident report, but it's part of our 11-1</p> <p>18 policy.</p> <p>19 Q Okay. Who keeps the completed incident</p> <p>20 report forms?</p> <p>21 A The assistant warden of programs would</p> <p>22 maintain the original; and then, again, the copy would</p> <p>23 go to the food service manager, as well as to Trinity</p> <p>24 leadership, and they would be required then to do a</p> <p>25 corrective action plan to address whatever that</p>

<p style="text-align: right;">Page 286</p> <p>1 RUSSELL WASHBURN</p> <p>2 situation may be.</p> <p>3 Q Okay.</p> <p>4 MS. SANDLEY: Let's look at the next</p> <p>5 exhibit, Exhibit 30, and it's CCBVA218211</p> <p>6 [sic].</p> <p>7 (Exhibit 30 marked for identification.)</p> <p>8 Q (By Ms. Sandley) Okay, this is an email from</p> <p>9 John Gimesh to Bill Spivey. Do you see that?</p> <p>10 A Yes.</p> <p>11 Q Okay. Do you know who Bill Spivey is?</p> <p>12 A Bill Spivey was a previous warden here at</p> <p>13 Stewart.</p> <p>14 Q Okay. And this email has several</p> <p>15 attachments, and the subject line is "Meal Monitoring."</p> <p>16 Do you see that?</p> <p>17 A I do.</p> <p>18 Q Okay. Let's look at one of the attachments,</p> <p>19 PDF page 8. Have you seen this document before?</p> <p>20 A It looks familiar, yes.</p> <p>21 Q Is this the training on meal monitoring</p> <p>22 that's currently provided at Stewart?</p> <p>23 A I believe so, yes.</p> <p>24 Q And who receives this training?</p> <p>25 A It would be any of the supervisors and</p>	<p style="text-align: right;">Page 287</p> <p>1 RUSSELL WASHBURN</p> <p>2 managers.</p> <p>3 Q Okay.</p> <p>4 A Well, not any managers. Security supervisors</p> <p>5 and managers.</p> <p>6 Q Let's look at the next page. We're going to</p> <p>7 look at No. 11.</p> <p>8 All right, it says, "Get a completed tray</p> <p>9 from the serving line. Taste food in any area, other</p> <p>10 except on the main line."</p> <p>11 And then I'm looking at the third bullet</p> <p>12 point. It says, "Record your evaluation on monitoring</p> <p>13 form and any comments you may have and review with</p> <p>14 person in charge of the kitchen supervisor."</p> <p>15 Who is the person in charge of the kitchen</p> <p>16 supervisor?</p> <p>17 A It depends on the time. It would be Trinity</p> <p>18 staff, you know, during day shift, that may be the</p> <p>19 actual food service supervisor that actually supervises</p> <p>20 and the staff in the kitchen, meaning Trinity staff.</p> <p>21 But after hours, like early in the morning, 2 or 3</p> <p>22 o'clock in the morning, it may be the actual food</p> <p>23 service worker, Trinity staff member, that you have to</p> <p>24 address any concerns that you may have.</p> <p>25 Q Okay, let's go to the next page. This page</p>
<p style="text-align: right;">Page 288</p> <p>1 RUSSELL WASHBURN</p> <p>2 lists -- at the top, a list in optional exercise.</p> <p>3 A Uh-huh.</p> <p>4 Q Is this -- you can take a minute to read it.</p> <p>5 Is this done at Stewart?</p> <p>6 A Yes. That's kind of what I was talking</p> <p>7 about, when we take them into the kitchen and we walk</p> <p>8 them through the proper techniques and methods, those</p> <p>9 things would be talked about, you know, how should you</p> <p>10 handle, those are all scenario-based and talking</p> <p>11 through that. So I won't say we hit every bullet</p> <p>12 that's listed out here, but yes.</p> <p>13 Q Okay. And have there been incidents that</p> <p>14 you're aware of when meal service at Stewart was</p> <p>15 stopped or delayed to address one of those issues?</p> <p>16 A I would say if it -- the ones I'm aware of,</p> <p>17 it would be a temperature issue, either below</p> <p>18 temperature or above temperature, depending on the</p> <p>19 product, until that item could be replaced with a</p> <p>20 product that is within the required temperature.</p> <p>21 Q Okay. And then the next section of this --</p> <p>22 let's scroll down -- "Observing Meal Service." Yeah,</p> <p>23 and I'm looking at the "At This Facility" section</p> <p>24 that's on the next page. And it says, "Your facility</p> <p>25 may require you to do any combination of these tasks</p>	<p style="text-align: right;">Page 289</p> <p>1 RUSSELL WASHBURN</p> <p>2 weekly and provide a report on the outcomes."</p> <p>3 What on these -- what on this list is Stewart</p> <p>4 required to do?</p> <p>5 A We look at the three-day pulls, the recipes;</p> <p>6 of course, check hair nets and gloves daily, hand</p> <p>7 washing. The AW of operations obviously monitors the</p> <p>8 deep-cleaning schedule. Really, all of these things</p> <p>9 that we...</p> <p>10 Q Is a section of the kitchen QA audit</p> <p>11 completed weekly?</p> <p>12 A No. That's probably the only component that</p> <p>13 I'm looking at that's not physically completed weekly.</p> <p>14 Q And what about --</p> <p>15 A And some of -- I'm sorry.</p> <p>16 Q No, I'm sorry. You finish.</p> <p>17 A And some of these things are done, like I</p> <p>18 said, daily, like checking the hair nets and the gloves</p> <p>19 and those type things. That's stuff that's all</p> <p>20 monitored and checked daily.</p> <p>21 Q Okay. And is every one of these things that</p> <p>22 you said is completed documented?</p> <p>23 A To say we document everything that we do, no,</p> <p>24 I wouldn't say that they are.</p> <p>25 Q Okay.</p>

<p style="text-align: right;">Page 290</p> <p>1 RUSSELL WASHBURN</p> <p>2 MS. SANDLEY: Let's take this exhibit</p> <p>3 down. And I want to look at Exhibit</p> <p>4 CCBVA106052, the food service policy.</p> <p>5 (Exhibit 31 marked for identification.)</p> <p>6 Q (By Ms. Sandley) All right, and this is the</p> <p>7 food service policy for Stewart, correct?</p> <p>8 A Yes, ma'am.</p> <p>9 Q Do you know if there's a more recent version</p> <p>10 of this policy currently in effect?</p> <p>11 A I do not know without looking at our</p> <p>12 directory, but I'm going to assume this is the most</p> <p>13 current.</p> <p>14 Q And are all CoreCivic staff expected to</p> <p>15 comply with this policy?</p> <p>16 A Yes.</p> <p>17 Q Are all Trinity staff expected to comply with</p> <p>18 this policy?</p> <p>19 A Yes.</p> <p>20 Q Let's look at PDF page 11. I'm looking at</p> <p>21 K(3). It says, "Food shall not be withheld, nor the</p> <p>22 standard menu varied, as a disciplinary sanction for an</p> <p>23 individual inmate/resident. This does not preclude</p> <p>24 rewarding groups of inmates/residents with special</p> <p>25 foods in return for special services under special</p>	<p style="text-align: right;">Page 291</p> <p>1 RUSSELL WASHBURN</p> <p>2 circumstances."</p> <p>3 What are special services that might permit</p> <p>4 using food as a reward at Stewart?</p> <p>5 A I don't know that those special services -- I</p> <p>6 mean, it can be -- how that's truly defined, I can tell</p> <p>7 you what -- you know, we've done it here in the past</p> <p>8 where, really, just as an incentive to -- an</p> <p>9 appreciation for them volunteering to work in various</p> <p>10 areas. And, again, that's in addition to, not in</p> <p>11 replace of the monies that are required to be paid</p> <p>12 based on the approved amount per the area they're</p> <p>13 working in.</p> <p>14 So that's how we would typically use it. You</p> <p>15 know, if we did -- you know, on holidays, we do a big</p> <p>16 meal. So the process would be a little bit harder on</p> <p>17 them and be a little more demanding. So we may reward</p> <p>18 them with some food or some other kind of special item</p> <p>19 as a token of appreciation for all their hard work and</p> <p>20 getting the product out in a safe and timely manner.</p> <p>21 Q Okay. So apart from providing extra food to</p> <p>22 detained workers to show appreciation, as you said, and</p> <p>23 then on occasions when workers are doing extra work to</p> <p>24 prepare holiday meals, are there any other special</p> <p>25 circumstances when food is used as a reward at Stewart?</p>
<p style="text-align: right;">Page 292</p> <p>1 RUSSELL WASHBURN</p> <p>2 A Not that I'm aware of, no.</p> <p>3 Q Okay.</p> <p>4 MS. SANDLEY: We can take this exhibit</p> <p>5 down. Let's look at Exhibit 32, CCBVA118425.</p> <p>6 (Exhibit 32 marked for identification.)</p> <p>7 Q (By Ms. Sandley) All right, and what is this</p> <p>8 document, Warden?</p> <p>9 A This is the menu.</p> <p>10 Q Is this the menu currently in effect?</p> <p>11 A It's hard to see. It's pretty blurry, but I</p> <p>12 think so.</p> <p>13 Q Would it help if we zoom in so you can see</p> <p>14 the food items?</p> <p>15 A Maybe, if it doesn't distort the -- it looks</p> <p>16 like it, though. Yes, I believe it is.</p> <p>17 Q Okay. And that's your signature at the</p> <p>18 bottom?</p> <p>19 A Yes, ma'am.</p> <p>20 Q And it's dated 8/31/2020, right?</p> <p>21 A You know what, no, this is not the current</p> <p>22 menu.</p> <p>23 Q Okay. So there's been an updated menu since</p> <p>24 this one?</p> <p>25 A Yes, ma'am.</p>	<p style="text-align: right;">Page 293</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Okay. And do you see at the bottom the line</p> <p>3 that says "Dietary Consultant"?</p> <p>4 A Yes.</p> <p>5 Q And the approval date next to that is</p> <p>6 9/25/2019?</p> <p>7 A Yes.</p> <p>8 Q Why was there almost a year in between when</p> <p>9 the dietary consultant and you signed this document?</p> <p>10 A On this one, I would say there was no changes</p> <p>11 since that initial one and this was -- I'm sure was</p> <p>12 brought me for updated signature.</p> <p>13 Q Okay. So you updated your signature, but the</p> <p>14 dietary consultant did not, correct?</p> <p>15 A Right. Because they would have to sign it</p> <p>16 and update it if there were any changes to any of the</p> <p>17 individual menus or meals.</p> <p>18 Q Does the menu ever change at Stewart when the</p> <p>19 population changes?</p> <p>20 MR. LEE: Object to form.</p> <p>21 THE WITNESS: No. I mean, that wouldn't</p> <p>22 drive a change for that.</p> <p>23 Q (By Ms. Sandley) And is this -- we can</p> <p>24 scroll up so you can see the top -- is this the regular</p> <p>25 diet menu for Stewart?</p>

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2 A Yes, it's regular.

3 Q Okay. And I'm looking at the first row in

4 the "Breakfast" row. We can zoom in a little bit.

5 So on Monday, there's "Dairy Drink" listed.

6 Do you see that?

7 A Yes.

8 Q What's dairy drink?

9 A It would be milk.

10 Q On Sunday, "Milk" is listed, correct?

11 A Yes.

12 Q Okay. Are milk and dairy drink different?

13 A I wouldn't see how. To my knowledge, we've

14 never provided anything other than milk as a dairy

15 product, so I don't know of any other product. Why

16 would we call one -- differently on one versus the

17 other, I'm not sure.

18 Q Currently, your testimony is Stewart provides

19 milk every morning for --

20 A Yes. Yes.

21 Q Do you know if there have been times where

22 that was not the case at Stewart?

23 A I know that with COVID, we've had some issues

24 with delivery where they were delayed. I don't know

25 that they didn't ultimately get it. I just don't know

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2 would have been a variance from the menu.

3 Q Okay, but you don't know what dairy drink is,

4 correct?

5 A No.

6 Q Okay. And you don't know why dairy drink and

7 milk are both listed on this menu, correct?

8 A I do not.

9 Q All right. And I want to look at the second

10 row. We can zoom out so we can see all the days.

11 There are jalapeño peppers provided two different days

12 for lunch. Do you see that?

13 A I do.

14 Q All right. Fair to say there are some people

15 at Stewart who don't like jalapeño peppers because

16 they're too spicy?

17 MR. LEE: Form, foundation.

18 THE WITNESS: I think that's fair to say

19 of society as a whole, yes.

20 Q (By Ms. Sandley) Have you heard complaints

21 about food at Stewart being too spicy?

22 A No.

23 Q Is CoreCivic aware that detained --

24 MS. SANDLEY: We can take this down.

25 Q (By Ms. Sandley) Is CoreCivic aware that

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2 that it was at the -- right at the scheduled time that

3 we would typically do breakfast. So I know just a few

4 weeks ago that we literally had to wait for the truck

5 to get here because they were an hour and a half

6 delayed.

7 MR. LEE: Late objection to form.

8 Q (By Ms. Sandley) But you don't know whether,

9 prior to your time at Stewart, there was instances when

10 Stewart didn't provide milk every day for breakfast, do

11 you?

12 A No, I would not --

13 MR. LEE: Object to form. And are you

14 asking if he personally knows or if CoreCivic

15 knows?

16 MS. SANDLEY: I'm asking if he

17 personally knows.

18 THE WITNESS: I do not, not without

19 reviewing the records.

20 MS. SANDLEY: Okay.

21 Q (By Ms. Sandley) Does CoreCivic know if

22 there were times when milk was not provided every day

23 at Stewart for breakfast?

24 A No. Again, if there was, that could have

25 resulted in a food service incident report because that

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2 detained people have raised complaints relating to food

3 service at Stewart?

4 A Yes.

5 Q And those complaints have related to the

6 sanitation in the kitchen?

7 A I believe there has been some complaints

8 regarding that, yes.

9 Q And there have been complaints about the

10 quality of the food at Stewart?

11 A There has, yes.

12 Q And there have been complaints about the

13 amount of food, correct?

14 A There has, yes.

15 MS. SANDLEY: Let's look at Exhibit 33,

16 CCBVA196386.

17 (Exhibit 33 marked for identification.)

18 Q (By Ms. Sandley) All right, and this is

19 another email from John Gimesh, correct?

20 A Yes, ma'am.

21 Q And it's to Calvin Blue, who worked at

22 Stewart, correct?

23 A That's correct.

24 Q And Harrell Gray, who also worked at Stewart,

25 correct?

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2 A That's correct.

3 Q And Jason Ellis, who was the managing

4 director, correct?

5 A Correct.

6 Q And Mr. Gimesh writes in the first email,

7 "Jason, I spoke" -- oh, sorry, let's scroll down to the

8 bottom of the thread.

9 "Jason, I spoke with Mr. Blue about inmates

10 claiming the portion sizes. My recommendation is that

11 the captain and ADO complete the email monitoring form

12 for each meal." That might be a typo. Could be meal

13 monitoring form, right?

14 MR. LEE: Foundation.

15 THE WITNESS: Where it says "This is our

16 best method," is that what you're asking?

17 MS. SANDLEY: I'm asking about where it

18 says "email monitoring form."

19 THE WITNESS: Oh, yes, I would assume

20 that's what they're referencing.

21 MS. SANDLEY: Okay.

22 Q (By Ms. Sandley) And, "This is our best

23 method to document that we are serving what is required

24 by menu. It covers portion sizes and taste of meal."

25 So fair to say, based on this email,

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2 know that this email clearly illustrates

3 that.

4 Q (By Ms. Sandley) Do you know if the menus at

5 Stewart were ever modified to reduce the amount of

6 potatoes served?

7 MR. LEE: Object to form. Again, him

8 personally?

9 MS. SANDLEY: As the CoreCivic

10 designee.

11 THE WITNESS: I do not know, but, I

12 mean, the records would reflect whether it

13 was or was not.

14 MS. SANDLEY: All right, let's take this

15 exhibit down. Let's look at Exhibit 34,

16 CCBVA207174.

17 (Exhibit 34 marked for identification.)

18 Q (By Ms. Sandley) All right, this is a memo

19 from Shelton Richardson, who was the warden at Stewart,

20 correct?

21 A He was at that time, yes.

22 Q I'm sorry. I misspoke. It's from Calvin

23 Blue to Shelton Richardson, correct?

24 A That's correct.

25 Q And I'm looking at the last paragraph on the

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1 RUSSELL WASHBURN

2 Mr. Gimesh was aware that detained people were

3 complaining of portion sizes at Stewart, correct?

4 MR. LEE: Foundation.

5 THE WITNESS: Yeah. Based on the email

6 here, yes.

7 MS. SANDLEY: Okay.

8 Q (By Ms. Sandley) And in the next email,

9 Mr. Blue's reply right above this, he said -- you

10 replied to the warden and FSD Marrero. That's the food

11 service director, correct?

12 A On this email, I would say yes. I don't know

13 that name or this person, but it looks like -- FSD is a

14 reference to food service director, so I would say yes.

15 Q Okay. So he says, "Warden Gray/FSD Marrero

16 is working on the menu to see what items that can be

17 looked at instead of potatoes like adding pasta to some

18 of the meals and removing the potatoes."

19 Fair to say there was a concern here about

20 Stewart serving too many potatoes?

21 MR. LEE: Form and foundation.

22 THE WITNESS: I don't know if it was too

23 many or what the issue was. It appears there

24 was a concern with potatoes, but what the

25 specifics to the concern of potatoes, I don't

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1 RUSSELL WASHBURN

2 first page. It says, "A meeting was held with Jack

3 Wilder, Trinity Services, and FSC John Gimesh

4 concerning the food complaints from the detainees.

5 FSC, SDC, and Trinity are in the process of modifying

6 the menu by adding more cultural sensitive

7 products/meals and adding more training to the Trinity

8 staff on food preparation."

9 So fair to say that FSC was involved in

10 conversations about modifying the menu at Stewart to

11 add more culturally sensitive products and meals?

12 A Based on this document, yes.

13 Q And FSC was aware of the need to add more

14 training for Trinity staff on food preparation?

15 MR. LEE: Object to form.

16 THE WITNESS: You said FSC was -- can

17 you repeat the question?

18 MS. SANDLEY: Yeah, was aware of the

19 need to add more training for Trinity staff

20 on food preparation.

21 MR. LEE: Object to form.

22 THE WITNESS: There was communication

23 from the assistant warden that some

24 additional training may be necessary. To say

25 that they agree or concur, I don't know.

<p style="text-align: right;">Page 302</p> <p>1 RUSSELL WASHBURN</p> <p>2 MS. SANDLEY: Okay.</p> <p>3 Q (By Ms. Sandley) Do you know if culturally</p> <p>4 sensitive products or meals were added to the menu at</p> <p>5 Stewart?</p> <p>6 MR. LEE: Object to form.</p> <p>7 THE WITNESS: I can say they exist</p> <p>8 today. And, again, the menus would show what</p> <p>9 those modifications were that would support</p> <p>10 that.</p> <p>11 Q (By Ms. Sandley) What types of -- which --</p> <p>12 what meals are -- sorry, let me withdraw that and start</p> <p>13 over.</p> <p>14 Which items on the current menu at Stewart</p> <p>15 are culturally sensitive?</p> <p>16 A I would say what you pointed out with the</p> <p>17 jalapeños, the Hispanic population requested and those</p> <p>18 items were added.</p> <p>19 Having a variety of different meals to</p> <p>20 accommodate the different cultures, such as Spanish</p> <p>21 rice, typical -- traditional American foods are on</p> <p>22 there. So there is a variety of foods that are</p> <p>23 offered. I won't say that it serves all cultures, but</p> <p>24 it's pretty rounded.</p> <p>25 Q Okay, so you named jalapeño peppers, Spanish</p>	<p style="text-align: right;">Page 303</p> <p>1 RUSSELL WASHBURN</p> <p>2 rice, and American food. Are there any other items on</p> <p>3 the current Stewart menu that are culturally sensitive?</p> <p>4 A I'm sure there are. I'm trying to recall</p> <p>5 from memory the actual menu items verbatim off of it.</p> <p>6 I'd have to look at the menu.</p> <p>7 Q Okay. Are there any issues -- withdrawn.</p> <p>8 Let me ask this: There is a grievance</p> <p>9 process at Stewart, correct?</p> <p>10 A Yes, ma'am, there is.</p> <p>11 Q And there's a policy relating to the</p> <p>12 grievance process, correct?</p> <p>13 A Correct, in addition to the PBNS standards.</p> <p>14 Q And the grievance policy at Stewart is</p> <p>15 created by the FSC, right?</p> <p>16 A Yes, ma'am.</p> <p>17 Q And all CoreCivic staff at Stewart are</p> <p>18 required to follow it, correct?</p> <p>19 A That's correct.</p> <p>20 Q So can detained people file grievances about</p> <p>21 food service issues?</p> <p>22 A Yes.</p> <p>23 Q Are there any issues relating to food service</p> <p>24 that are not grievable?</p> <p>25 A Nothing I can think of off the top of my</p>
<p style="text-align: right;">Page 304</p> <p>1 RUSSELL WASHBURN</p> <p>2 head. I mean, I guess grieving the dietitian to say</p> <p>3 that it's not the appropriate caloric intake may not</p> <p>4 be, but I don't even know that we would reject even</p> <p>5 that. I mean, we would provide a response, but</p> <p>6 challenging something that a licensed professional has</p> <p>7 authorized without -- that may be. But, again, I think</p> <p>8 we would process that even without that, so I can't</p> <p>9 think of anything off the top of my head.</p> <p>10 Q Let's take a look -- well, let me ask you</p> <p>11 this: If CoreCivic received a number of grievances</p> <p>12 about, for example, the caloric levels at Stewart,</p> <p>13 would that prompt CoreCivic to do any follow-up with</p> <p>14 Trinity about the menu?</p> <p>15 A Absolutely.</p> <p>16 MR. LEE: Object to form.</p> <p>17 THE WITNESS: Yeah, absolutely we would.</p> <p>18 Just -- we would look into it with them and</p> <p>19 have the discussion and then ensure that</p> <p>20 it's, you know, reevaluated if necessary.</p> <p>21 I personally meet with the grievance</p> <p>22 coordinator, along with my assistant wardens</p> <p>23 and medical/health service administrator and</p> <p>24 the chief of security and chief of unit</p> <p>25 management every Friday to discuss grievances</p>	<p style="text-align: right;">Page 305</p> <p>1 RUSSELL WASHBURN</p> <p>2 and any trends in grievances and then</p> <p>3 ultimately how we're addressing those</p> <p>4 particular issues.</p> <p>5 So not just isolated to food. We have a</p> <p>6 process in place that we would look into</p> <p>7 whether it was a trend of issues or a</p> <p>8 significant type issue or something that</p> <p>9 warranted a higher level of evaluation.</p> <p>10 Q (By Ms. Sandley) How many grievances about</p> <p>11 the nutritional adequacy of the food would it take to</p> <p>12 prompt CoreCivic to address that with Trinity?</p> <p>13 A It could be one, depending on the nature of</p> <p>14 the concern.</p> <p>15 Q Okay, but I want to make sure I understood</p> <p>16 your testimony earlier. It could also be that a</p> <p>17 grievance about nutritional adequacy is found to be not</p> <p>18 grievable, correct?</p> <p>19 A Again, if they're challenging something to</p> <p>20 say that they disagree or they don't believe the</p> <p>21 dietitian was right, that very well could be. But,</p> <p>22 again, I don't know that we would not process --</p> <p>23 there's nothing that says that if you grieved the</p> <p>24 dietitian, that it can't be processed.</p> <p>25 Q Okay.</p>

<p style="text-align: right;">Page 306</p> <p>1 RUSSELL WASHBURN</p> <p>2 MS. SANDLEY: Let's take a look at</p> <p>3 Exhibit 35, CCBVA217504.</p> <p>4 (Exhibit 35 marked for identification.)</p> <p>5 Q (By Ms. Sandley) Okay, this is a grievance,</p> <p>6 correct?</p> <p>7 A It is, yes.</p> <p>8 Q All right, and let's scroll down.</p> <p>9 Okay, this is from 2018. I don't expect you</p> <p>10 to have seen this, but I want to ask you a few</p> <p>11 questions about it. So take a minute to read this, if</p> <p>12 you will.</p> <p>13 A Okay.</p> <p>14 Q Were there any aspects of the staff -- well,</p> <p>15 let me start over.</p> <p>16 If the allegations in this grievance were</p> <p>17 true, were any of the staff responses inappropriate?</p> <p>18 MR. LEE: Object to form.</p> <p>19 THE WITNESS: If this allegation is</p> <p>20 true, then the answer to that is yes, there</p> <p>21 would be certainly some inappropriateness</p> <p>22 amongst the staff members.</p> <p>23 Q (By Ms. Sandley) Which of the alleged staff</p> <p>24 responses would have been inappropriate?</p> <p>25 A I think both to a degree. More importantly,</p>	<p style="text-align: right;">Page 307</p> <p>1 RUSSELL WASHBURN</p> <p>2 the Trinity staff member who allegedly, I think,</p> <p>3 flicked it off and continued to try to serve. So that</p> <p>4 would be the most egregious. I do think that the</p> <p>5 officer had an obligation at that point to immediately</p> <p>6 report to the supervisor the issue, again, if this is</p> <p>7 proven to be true.</p> <p>8 Q So if roaches are found in food, should the</p> <p>9 food be thrown away?</p> <p>10 A Absolutely.</p> <p>11 Q Okay. And what about the part at the end</p> <p>12 here where it says, "Officer Parker said I could not</p> <p>13 work in the kitchen since I told people" -- I don't</p> <p>14 know if this was supposed to say "about" -- "told</p> <p>15 people of this situation." Was that appropriate?</p> <p>16 A No, if true, it would not be appropriate.</p> <p>17 Q Okay. And would that have been a violation</p> <p>18 of CoreCivic policy?</p> <p>19 A Yes.</p> <p>20 Q Okay. How should this grievance have been</p> <p>21 investigated?</p> <p>22 A At first, the immediate notification should</p> <p>23 have went to the shift supervisor, who could have then</p> <p>24 immediately responded to the location to determine the</p> <p>25 validity of the complaint. And then, of course, if</p>
<p style="text-align: right;">Page 308</p> <p>1 RUSSELL WASHBURN</p> <p>2 proven, the food service incident report should have</p> <p>3 been generated at that given moment. Of course, you</p> <p>4 already talked about the food should have been</p> <p>5 discarded as potentially contaminated by this insect.</p> <p>6 That would have obviously had to have been discarded</p> <p>7 and taken care of and then potentially corrective</p> <p>8 action, formal corrective action, against the two</p> <p>9 individuals who responded in that way.</p> <p>10 Q Okay. And if a food service incident report</p> <p>11 had been generated, which CoreCivic staff member would</p> <p>12 have been responsible for ensuring that corrective</p> <p>13 action was taken?</p> <p>14 A The assistant warden of programs. And then,</p> <p>15 obviously, we have a contract with pest control. You</p> <p>16 know, we would have also had our safety manager make</p> <p>17 contact with those individuals to coordinate the</p> <p>18 spraying of that area if necessary.</p> <p>19 Q Okay.</p> <p>20 MS. SANDLEY: Let's take this exhibit</p> <p>21 down and let's look at the next one. It's</p> <p>22 Bates PLS_1625. This will be Exhibit 36.</p> <p>23 (Exhibit 36 marked for identification.)</p> <p>24 Q (By Ms. Sandley) All right, so this is</p> <p>25 another grievance, and let's scroll down so you can see</p>	<p style="text-align: right;">Page 309</p> <p>1 RUSSELL WASHBURN</p> <p>2 the content. Portions of this are redacted.</p> <p>3 All right, so take a minute to read this for</p> <p>4 me.</p> <p>5 A Okay.</p> <p>6 Q Okay. So this grievant was complaining that</p> <p>7 the meal was too small, correct?</p> <p>8 A Yes.</p> <p>9 Q And that there was one empty space on a tray</p> <p>10 with five spaces, correct?</p> <p>11 A That's correct.</p> <p>12 Q Okay. And let's scroll down so we can see</p> <p>13 the staff response.</p> <p>14 So it says, "Grievance returned to detainee</p> <p>15 for violation of filing procedures."</p> <p>16 What are the -- what -- do you have any idea</p> <p>17 what that means?</p> <p>18 A I don't. I mean, there's things within the</p> <p>19 standard in the policy -- you know, if the detainee is</p> <p>20 filing, you know, multiple grievances, you know, a</p> <p>21 certain number. To suggest what they were meaning</p> <p>22 here, I don't know.</p> <p>23 Q Okay. And it says, "Also advised detainee</p> <p>24 that meals provided by Trinity are approved by</p> <p>25 DHS-ICE." Is that true?</p>

<p style="text-align: right;">Page 310</p> <p>1 RUSSELL WASHBURN</p> <p>2 A It would be the dietitian and CoreCivic.</p> <p>3 Q Okay. How are complaints about food portion</p> <p>4 size at Stewart investigated?</p> <p>5 A Well, I mean, we have -- that's the purpose</p> <p>6 of us having the meal monitoring for every meal, not</p> <p>7 just for one meal, but for every meal. It's done by</p> <p>8 supervisory personnel to ensure that the meal that</p> <p>9 they're providing -- there is no expectation that every</p> <p>10 slot on the food tray is filled each time.</p> <p>11 It's -- whatever the amount of product that's</p> <p>12 approved on the menu is what's measured, and the amount</p> <p>13 that's -- and quantity that's required to be delivered,</p> <p>14 whether it's beans or pasta or rice, that's what's</p> <p>15 measured. It's not based on the slots on the tray.</p> <p>16 Q Okay. Did CoreCivic staff receive training</p> <p>17 on meal -- on food portion sizes?</p> <p>18 A The supervisors, again, through that</p> <p>19 evaluation piece and then the meal monitoring training</p> <p>20 that we do with them, they're trained on it, yes.</p> <p>21 Q Do they receive training on, like, the</p> <p>22 different sizes of ladles that are used in the kitchen?</p> <p>23 A Yes. And there's actually a legend on the</p> <p>24 bottom of that same form that will tell them a number.</p> <p>25 Four spoodle represents a quarter cup or a half a cup.</p>	<p style="text-align: right;">Page 311</p> <p>1 RUSSELL WASHBURN</p> <p>2 So they can use that legend on the bottom of that meal</p> <p>3 monitoring form. That will help them. Even if they</p> <p>4 forget, they can use that legend at the bottom of that</p> <p>5 form.</p> <p>6 Q Okay.</p> <p>7 MS. SANDLEY: And let's take this</p> <p>8 exhibit down and let's look at the next one,</p> <p>9 Exhibit 37, 118271 -- sorry, CCBVA118271.</p> <p>10 (Exhibit 37 marked for identification.)</p> <p>11 Q (By Ms. Sandley) All right, so this is</p> <p>12 another grievance form, correct?</p> <p>13 A Yes, it is.</p> <p>14 Q All right. And let's scroll down so we can</p> <p>15 see it.</p> <p>16 Okay, so this person writes, "The food</p> <p>17 service is really bad. The food menu doesn't has [sic]</p> <p>18 the minimum nutritious fats and calories that a human</p> <p>19 being needs to be healthy. Please check the menu and</p> <p>20 make an inspection to kitchen contractor Trinity</p> <p>21 Services Group that doesn't perform the food menu which</p> <p>22 are published in the schedule." Do you see that?</p> <p>23 A I do.</p> <p>24 Q And let's scroll down to the response.</p> <p>25 So the response is, "Nutritional adequacy of</p>
<p style="text-align: right;">Page 312</p> <p>1 RUSSELL WASHBURN</p> <p>2 menus, to include therapeutic/special diets and</p> <p>3 religious diets, are reviewed and signed at least</p> <p>4 annually by a qualified nutritionist or dietitian to</p> <p>5 ensure menus meet nationally recommended allowances for</p> <p>6 basic nutrition for appropriate age groups. This is</p> <p>7 not a grievable matter. Grievance will be returned."</p> <p>8 Is that response consistent with CoreCivic</p> <p>9 policy?</p> <p>10 A It would be.</p> <p>11 Q So neither the food quality allegations in</p> <p>12 this grievance nor the nutritional adequacy allegations</p> <p>13 are grievable matters?</p> <p>14 A Well, if you can scroll back up, I -- I would</p> <p>15 have missed the quality. I know that they were saying</p> <p>16 the diets were not therapeutically appropriate.</p> <p>17 Q I'm referring to "The food service is really</p> <p>18 bad."</p> <p>19 A That doesn't -- "food service is really bad."</p> <p>20 That's not saying specifically what is it that they're</p> <p>21 referring to. The bulk and the way I interpret this</p> <p>22 grievance is that it's primarily driven that this</p> <p>23 person does not agree that the menu meets the minimum</p> <p>24 nutritious facts and calories.</p> <p>25 Q Okay. Is the quality of the food at Stewart</p>	<p style="text-align: right;">Page 313</p> <p>1 RUSSELL WASHBURN</p> <p>2 a grievable matter?</p> <p>3 A Yes, if it's concerning the quality of it,</p> <p>4 undercooked, the taste, those types of things.</p> <p>5 Q Okay.</p> <p>6 MS. SANDLEY: Let's take this exhibit</p> <p>7 down.</p> <p>8 Q (By Ms. Sandley) So if someone who is</p> <p>9 detained at Stewart is hungry, how can they get food?</p> <p>10 MR. LEE: Object to form.</p> <p>11 THE WITNESS: Obviously, we provide</p> <p>12 three meals a day. We do offer commissary</p> <p>13 that they can buy snacks and various items</p> <p>14 from. If they have money in their account,</p> <p>15 then they can purchase food from there. If</p> <p>16 not, it's provided through the chow.</p> <p>17 Q (By Ms. Sandley) So if someone gets hungry</p> <p>18 in between meal times, they can eat food purchased at</p> <p>19 the commissary?</p> <p>20 A Yes, if they have the funds and they purchase</p> <p>21 those items, yes, ma'am.</p> <p>22 Q And people who don't have funds being</p> <p>23 deposited in their account from the outside by family</p> <p>24 and friends would have to work in order to have funds</p> <p>25 on their account, correct?</p>

<p style="text-align: right;">Page 314</p> <p>1 RUSSELL WASHBURN</p> <p>2 MR. LEE: Object to form.</p> <p>3 THE WITNESS: Yeah, I mean, that would</p> <p>4 really be -- if they didn't have someone</p> <p>5 providing them with money, then there would</p> <p>6 be an outlet for them to work and secure</p> <p>7 funding, yes.</p> <p>8 Q (By Ms. Sandley) Fair to say that the food</p> <p>9 items are consistently some of the top sellers in the</p> <p>10 Stewart commissary?</p> <p>11 A Yes. That's the bulk of the items, so yes, I</p> <p>12 think that's fair.</p> <p>13 Q Okay. And who determines what items are sold</p> <p>14 in the Stewart commissary?</p> <p>15 A We're provided with a list of approved items</p> <p>16 that we can select from. And I'll tell you we</p> <p>17 periodically poll the population to determine whether</p> <p>18 or not the -- and we also look at sales. I mean, if we</p> <p>19 have a product that just doesn't sell, there's no sense</p> <p>20 in continuing that. So we would solicit feedback from</p> <p>21 the population as to things that they would like to see</p> <p>22 on commissary. And as long as there's not a security</p> <p>23 or safety threat by providing those items, then we</p> <p>24 would approve them.</p> <p>25 Q Okay. So who provides the list of approved</p>	<p style="text-align: right;">Page 315</p> <p>1 RUSSELL WASHBURN</p> <p>2 items?</p> <p>3 A It comes from our Facility Support Center.</p> <p>4 Ms. Lazier [phonetic] would provide that.</p> <p>5 Q Okay. And who sets the prices of commissary</p> <p>6 items at Stewart?</p> <p>7 A They're established out of FSC and with</p> <p>8 our -- Keefe, our vendor. And primarily it's usually</p> <p>9 used as a 30 percent markup, and it's pretty consistent</p> <p>10 to what you would see at, like, a convenience store as</p> <p>11 to how that pricing is established.</p> <p>12 Q Okay. And I believe you testified earlier a</p> <p>13 little bit about the commissary profits, and I want to</p> <p>14 make sure I understand that.</p> <p>15 So the money that is made off commissary</p> <p>16 sales goes into a separate account, correct?</p> <p>17 A That's correct.</p> <p>18 Q And the money in that separate commissary</p> <p>19 account is used to pay for CoreCivic employees who</p> <p>20 staff the commissary, correct?</p> <p>21 A Correct.</p> <p>22 Q If CoreCivic didn't make any profit on the</p> <p>23 commissary, would CoreCivic still pay those employees?</p> <p>24 A Absolutely.</p> <p>25 Q And then other money in that account is used</p>
<p style="text-align: right;">Page 316</p> <p>1 RUSSELL WASHBURN</p> <p>2 to buy recreation equipment, correct?</p> <p>3 A Correct. Things that have a sole benefit for</p> <p>4 the detainee population.</p> <p>5 Q Okay. If CoreCivic didn't make any profit</p> <p>6 off the commissary, would it still buy balls for the</p> <p>7 basketball court?</p> <p>8 A Yes.</p> <p>9 Q Why?</p> <p>10 A Because, again, it's making sure that</p> <p>11 detainees have an outlet to reduce idleness, to</p> <p>12 encourage them to get out of their housing unit for</p> <p>13 fresh air. I mean, it's just a quality-of-life factor</p> <p>14 that we would want to make sure is sustained.</p> <p>15 Q Is reducing idleness also important for</p> <p>16 maintaining the safety and security at the facility?</p> <p>17 A It is.</p> <p>18 Q And CoreCivic is required to provide</p> <p>19 recreation under the PBNS, correct?</p> <p>20 A That's correct.</p> <p>21 Q Okay. What other purchases are made with the</p> <p>22 commissary account funds?</p> <p>23 A TVs, for leisure TVs, the game stations that</p> <p>24 are solely for the detainee population that stay in the</p> <p>25 housing units, the ice coolers that stay within the</p>	<p style="text-align: right;">Page 317</p> <p>1 RUSSELL WASHBURN</p> <p>2 units for the detainees to utilize to have fresh ice.</p> <p>3 I'm sure there's some other products. Those are the</p> <p>4 ones I can just think of off the top of my head.</p> <p>5 Q And I believe you testified earlier you</p> <p>6 didn't know how much money is currently in the</p> <p>7 commissary account?</p> <p>8 A I do not, not without getting with my</p> <p>9 business manager.</p> <p>10 Q Okay. Do you have any idea if, on a</p> <p>11 quarterly basis, CoreCivic is spending the majority of</p> <p>12 the profits made from commissary?</p> <p>13 A Not without looking at the records, no, I</p> <p>14 don't. Can't say that one way or the other.</p> <p>15 Q Okay. Does anyone ever look on a regular</p> <p>16 basis to see how much money is sitting in that account?</p> <p>17 A The business manager monitors and manages</p> <p>18 that. We also have an annual audit from an outside</p> <p>19 independent source that audits that as well.</p> <p>20 Q Has there ever been a time when the auditor</p> <p>21 or anyone else told Stewart to spend some of the money</p> <p>22 in that account?</p> <p>23 A Not that I'm --</p> <p>24 MR. LEE: Object to form.</p> <p>25 THE WITNESS: Not that I'm aware of.</p>

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2 MS. SANDLEY: All right.

3 Q (By Ms. Sandley) Do you know if that account

4 earns interest?

5 A I believe it does, but I'm not certain.

6 Q Is it a bank account?

7 A I believe it is.

8 Q Do you know which bank?

9 A I don't.

10 Q Is it an account that's managed by the FSC?

11 A I believe so, yes.

12 Q Okay. All right. CoreCivic has a document

13 retention policy, correct?

14 A We do, yes.

15 Q And it applies to all CoreCivic staff at

16 Stewart?

17 A It does.

18 Q And it's created by the FSC?

19 A It is, yes.

20 Q Okay. Did you review that policy in

21 preparing for this deposition today?

22 A Yes. And you're referencing Policy 1-15,

23 correct?

24 Q Yes.

25 A Yes.

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2 A Correct.

3 Q And that's from the time of release or

4 transfer, correct?

5 A That's correct.

6 Q And inmate/resident files are also known as

7 detention files, right?

8 A That's correct.

9 Q And PBNDs requires CoreCivic to keep

10 detention files, correct?

11 A That's correct.

12 Q Let's look -- let's take this down and look

13 at the next exhibit, DHS/ICE records schedules.

14 (Exhibit 39 marked for identification.)

15 MS. SANDLEY: Okay.

16 Q (By Ms. Sandley) Have you ever seen this

17 document before?

18 A I don't believe I have.

19 Q Let's scroll down to the next page. Have you

20 seen this before?

21 A I don't believe so.

22 Q Okay. We want to look at the -- under

23 "Detention Case Files," where it says, "The required

24 content of the file includes the detainee

25 summary/transfer forms," and then it lists some other

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1 RUSSELL WASHBURN

2 Q What is the time frame for maintaining

3 detention files at Stewart?

4 A You're testing my memory. I believe it's

5 three years. There's a scale in that policy, but I

6 believe it's three years.

7 Q That's all right. I don't want you to guess.

8 Let's look at the policy.

9 A All right.

10 (Exhibit 38 marked for identification.)

11 Q (By Ms. Sandley) Exhibit 38, and it's

12 CCBVA105921.

13 All right, and is this the record retention

14 schedule for Stewart?

15 A Yes, it is.

16 Q Okay. And this is Policy 1-15B, correct?

17 A It references this attachment, so -- but 1-15

18 is the policy, yes.

19 Q Okay. Let's scroll down slowly to where we

20 get to "Inmate/Resident Files." I apologize, I didn't

21 write down what page that's on. Actually, I did. It's

22 page 2. There we go.

23 A Yes.

24 Q So the retention period for inmate/resident

25 files is three years, correct?

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2 documents. Do you see that?

3 A I do.

4 Q Would you agree that the information listed

5 here is information that's included in detention files

6 kept at Stewart?

7 A Yes.

8 Q Okay. And do you see next to "Disposition"

9 where this says "Destroy six years after the file

10 cutoff"?

11 A I do.

12 Q Okay, but CoreCivic's policy for retaining

13 detention files is only three years, correct?

14 A Correct. And that policy would have been

15 approved from ICE.

16 MR. LEE: And I'm going to object to

17 form. I don't know that this has ever been

18 disclosed in this case. I don't see any

19 Bates numbers on it. So I'm just objecting

20 on that basis.

21 MS. SANDLEY: Okay. Well, I don't think

22 that's a form objection, Jacob, but

23 understood and it will produced.

24 All right, we can take this down.

25 Q (By Ms. Sandley) Do you know, Warden

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1 RUSSELL WASHBURN

2 Washburn, if CoreCivic's retention policy was approved

3 by ICE?

4 A Yes. I mean, all of our policies are

5 presented to ICE, so I would say that, yes, it should

6 have been approved and I would say yes it has.

7 Q Do you know if the Stewart retention policy

8 has been approved by ICE since you've been at Stewart?

9 A No, I'm sure -- I'm saying it has not because

10 I don't know there's been a change to it that would

11 require a resubmission to them for review and approval.

12 Q Okay. And there's a process at Stewart for

13 routine document destruction, correct?

14 A There is, yes.

15 Q Can you explain that process to me?

16 A Typically it's in November when we have those

17 files that meet the policy destruction dates that's

18 outlined in Policy 1-15 on that B form that we were

19 just looking at. They would then -- we would

20 coordinate with a shredding vendor who would come out

21 on the prescribed day, and said files would then be

22 placed into that shred -- I think it's a shred truck,

23 for lack of better words, and those items would be

24 discarded in that fashion.

25 Then the records coordinator would then

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2 within the parameters of the policy.

3 Q Okay. And that annual document destruction,

4 does it typically happen in November?

5 A It does typically, yes.

6 Q Does the FSC have any role in documentation

7 destruction?

8 A Not the -- other than the policy and

9 establishment of the policy, no.

10 Q Okay. And were Stewart staff informed that

11 documents related to this lawsuit should not be

12 destroyed?

13 A Some of the staff, yes.

14 Q Which staff were informed?

15 A The administration, the warden, assistant

16 wardens, chiefs for sure. Outside of that, I don't

17 know who else the distribution would have went to, the

18 publication.

19 Q And were you informed that documents

20 shouldn't be destroyed?

21 A Yes.

22 Q Were you informed once?

23 A To say how many times, I don't know, but at

24 least once, yes.

25 Q Was it more than once?

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2 complete the 1-15 form that needs to be completed for

3 the annual records cleanout, and then I would sign off

4 that that was completed.

5 Q Okay. Does the form for the annual records

6 cleanout include all of the records that are to be

7 destroyed?

8 A It does not.

9 Q What kind of information does it include?

10 A It just really certifies that the record

11 cleanout occurred annually as prescribed.

12 Q Okay. And then I think you referenced the

13 shred truck. Where does that go?

14 A I couldn't answer that question here today.

15 Q Okay. Does it go to the FSC?

16 A No, no, no. These items are actually

17 physically shredded here. So it's the vendor that

18 would remove those items and discard it however it is

19 that they discard their products.

20 Q Okay. Understood.

21 Is there a point in that process where you,

22 as the warden, are informed of which documents are

23 being destroyed.

24 A No. Not on specific documents, no. Just

25 that any of the ones that are outside of the -- are

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1 RUSSELL WASHBURN

2 A It could have been, yes.

3 Q Do you know when?

4 A Sometime after April of 2020. I don't know

5 when specifically I became aware of the retention or

6 the preservation requirement.

7 Q Okay. Do you know if any procedures have

8 been put in place at Stewart to ensure documents

9 related to this lawsuit aren't destroyed?

10 A Yes. There is now. There was a break in

11 communications that resulted in some of those files

12 inadvertently being destroyed that were under that

13 preservation. You know, we own that. But since then,

14 we have established, one, making sure that all of the

15 individuals that need to be notified have been

16 notified. We've also put postings in those locations

17 that -- "Do Not Destroy" and have isolated them to

18 specific containers that we're storing those records

19 and -- clearly posted "Do Not Destroy" signs out there,

20 but more importantly, communicated to everybody that

21 needs to have had the communication.

22 Q Who's everybody who needs to have had the

23 communication?

24 A Anyone that would be dealing with any of the

25 level of the record destruction, and that's -- the

<p style="text-align: right;">Page 326</p> <p>1 RUSSELL WASHBURN</p> <p>2 classification coordinator is the designated records</p> <p>3 coordinator by the policy, as well as the business</p> <p>4 manager, who would then also be coordinating the shred</p> <p>5 truck to come to the facility.</p> <p>6 Q Okay.</p> <p>7 A And we have since -- and I will say we</p> <p>8 postponed the shred truck, so it did not occur in</p> <p>9 November, to allow additional time to make sure that</p> <p>10 the records that are being shred do not fall under the</p> <p>11 preservation of this case or any other case and that</p> <p>12 only ones that are legitimately within the policy</p> <p>13 parameters.</p> <p>14 Q Who's the shredding vendor?</p> <p>15 A I don't know.</p> <p>16 Q What types of documents does CoreCivic</p> <p>17 consider to be related to this lawsuit for preservation</p> <p>18 purposes?</p> <p>19 A Obviously detention files, disciplinaries,</p> <p>20 grievances, anything relative to job -- the voluntary</p> <p>21 work program, whether it's the sheet -- the forms that</p> <p>22 they have to fill out to get the job. Really any form</p> <p>23 that could be tied to the voluntary work program would</p> <p>24 be considered that, so any requests, any emails, any</p> <p>25 documents of such.</p>	<p style="text-align: right;">Page 327</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Who's currently the classification</p> <p>3 supervisor?</p> <p>4 A Ms. Crocker.</p> <p>5 Q What's her first name?</p> <p>6 A You're going to test me. Tatiana, I believe.</p> <p>7 I know it's T. I think it's Tatiana.</p> <p>8 Q And how long has she been in that position?</p> <p>9 A Since Ms. Drew left. I'd say less than a</p> <p>10 year, somewhere in that -- maybe right at a year.</p> <p>11 Q Has she been told not to destroy documents</p> <p>12 related to this lawsuit?</p> <p>13 A She absolutely has.</p> <p>14 Q When was she first told?</p> <p>15 A I don't -- I can't recall the date, but I can</p> <p>16 tell you she's the one that posted all of the postings</p> <p>17 in all of those locations. So, yes, her and her entire</p> <p>18 team know those records and which ones should not be</p> <p>19 destroyed at this point.</p> <p>20 Q Okay. And Ms. Drew was a classification</p> <p>21 supervisor before that, before Ms. Crocker, correct?</p> <p>22 A Yeah. The actual title is classification</p> <p>23 coordinator. That's what's on the staffing pattern,</p> <p>24 but yes.</p> <p>25 Q Okay. And she had been in the classification</p>
<p style="text-align: right;">Page 328</p> <p>1 RUSSELL WASHBURN</p> <p>2 coordinator role for a numbers of years, correct?</p> <p>3 A Yes, ma'am, before my time. It could have</p> <p>4 been the whole time. I don't know.</p> <p>5 Q Was she classification coordinator before</p> <p>6 this lawsuit was filed?</p> <p>7 A I believe so, yes.</p> <p>8 Q Okay. And was she told not to destroy</p> <p>9 documents related to this lawsuit?</p> <p>10 A I know I personally did not tell her. Now,</p> <p>11 whether or not the two previous wardens that would have</p> <p>12 been here during that period of time told her, I can't</p> <p>13 say, you know, one way or the other on that.</p> <p>14 Q Okay. The classification coordinator is</p> <p>15 responsible for approving people for participation in</p> <p>16 the work program, correct?</p> <p>17 A She's a part of -- that position is part of</p> <p>18 the process, but not the final approver, no.</p> <p>19 Q Is there a jobs committee at Stewart?</p> <p>20 A Yes. I mean, it would be comprised of the</p> <p>21 unit team members, the location area supervisor, the</p> <p>22 classification team, and then, of course, the chief of</p> <p>23 unit management would be a part of that, and then</p> <p>24 ultimately myself and the assistant warden also have to</p> <p>25 review and sign off on the job placement.</p>	<p style="text-align: right;">Page 329</p> <p>1 RUSSELL WASHBURN</p> <p>2 Q Okay. So the classification coordinator's on</p> <p>3 the job committee, correct?</p> <p>4 A That's correct.</p> <p>5 Q All right. Fair to say the classification</p> <p>6 coordinator has multiple responsibilities relating to</p> <p>7 the work program at Stewart?</p> <p>8 A Yes.</p> <p>9 MS. SANDLEY: All right, I think we're</p> <p>10 going to go into tomorrow, and I'm at a</p> <p>11 stopping point. We've got 10 minutes left.</p> <p>12 We can use them or we can pick back up</p> <p>13 tomorrow. I'll leave it to you, Warden, and</p> <p>14 Mr. Lee to let me know what you prefer.</p> <p>15 THE WITNESS: I'm fine either way. I'll</p> <p>16 defer to Mr. Lee as to what he wants to do,</p> <p>17 but I'm fine either way.</p> <p>18 MR. LEE: If there are topics you've got</p> <p>19 that you want to cover in the next 10</p> <p>20 minutes, might as well. We're here. You</p> <p>21 tell me.</p> <p>22 MS. SANDLEY: That's fine. Let's keep</p> <p>23 going.</p> <p>24 Q (By Ms. Sandley) Warden Washburn, my</p> <p>25 understanding, based on other testimony in this case,</p>

<p style="text-align: right;">Page 330</p> <p>1 RUSSELL WASHBURN</p> <p>2 and correct me if I'm wrong, is that CoreCivic doesn't</p> <p>3 offer any educational program at Stewart?</p> <p>4 A We do not currently, no.</p> <p>5 Q Okay. Do you know if CoreCivic has ever</p> <p>6 offered educational programming at Stewart?</p> <p>7 A I can't say yes or no one way or the other</p> <p>8 for the entire duration. I don't believe so, but</p> <p>9 that's a guess.</p> <p>10 Q Okay. When detained people are not at</p> <p>11 recreation or medical or visitation or court, what can</p> <p>12 they do with their time?</p> <p>13 MR. LEE: Object to form.</p> <p>14 THE WITNESS: There's other leisure</p> <p>15 opportunities also that exist within their</p> <p>16 assigned housing areas. Like I talked about</p> <p>17 earlier, we have televisions and we actually</p> <p>18 have four TVs. We have ones that are</p> <p>19 dedicated to Spanish and some of the other</p> <p>20 languages. We have the PlayStations that</p> <p>21 they can use to play games. Those are all</p> <p>22 out in the day room. We have traditional</p> <p>23 board games and cards that they can utilize</p> <p>24 in that area.</p> <p>25 The day rooms are relatively large. I</p>	<p style="text-align: right;">Page 331</p> <p>1 RUSSELL WASHBURN</p> <p>2 mean, you can walk in the day rooms as well</p> <p>3 for exercise if you so choose to do that.</p> <p>4 Really kind of what exists within the housing</p> <p>5 units outside the traditional recreation</p> <p>6 services.</p> <p>7 Q (By Ms. Sandley) Are detained people</p> <p>8 provided radios at Stewart?</p> <p>9 A Yes.</p> <p>10 Q Are those provided for free?</p> <p>11 A Yes.</p> <p>12 Q Are detained people provided headphones?</p> <p>13 A Yes.</p> <p>14 Q Are those free?</p> <p>15 A Yes.</p> <p>16 Q Are they provided batteries for the radios?</p> <p>17 A Yes.</p> <p>18 Q Are those free?</p> <p>19 A Yes.</p> <p>20 Q Are headphones and batteries also sold in the</p> <p>21 commissary?</p> <p>22 A I believe so. I think maybe a little bit</p> <p>23 better quality ones, you know, that are provided; but,</p> <p>24 yes, I do believe that they are on there.</p> <p>25 Q Okay. And are the -- do you have to use a</p>
<p style="text-align: right;">Page 332</p> <p>1 RUSSELL WASHBURN</p> <p>2 headset to listen to the televisions in the housing</p> <p>3 units at Stewart?</p> <p>4 A You do, yes.</p> <p>5 Q Okay. So people have to have the radio and</p> <p>6 the headphones in order to hear the audio on the</p> <p>7 televisions in their units, correct?</p> <p>8 A And that's why we issue it to them, yes.</p> <p>9 Q Okay. Are there games in the housing units?</p> <p>10 A Yes.</p> <p>11 Q Are there books in the housing units?</p> <p>12 A Yes.</p> <p>13 Q Are games and books purchased with commissary</p> <p>14 proceeds?</p> <p>15 A Games, yes. Again, to say books are, I don't</p> <p>16 recall signing any purchase requests since I've been</p> <p>17 here to buy additional books, so -- but I would say</p> <p>18 that they probably are, yes.</p> <p>19 Q So books aren't purchased frequently, fair to</p> <p>20 say?</p> <p>21 A We also accept donations too, so we'll get</p> <p>22 donations from, you know, churches, civic groups, those</p> <p>23 types of things as well too. So not to say we</p> <p>24 haven't -- I take that back. We have bought some</p> <p>25 books. We started a program where they can check out</p>	<p style="text-align: right;">Page 333</p> <p>1 RUSSELL WASHBURN</p> <p>2 children's books and record so they can send it to</p> <p>3 their kids at home. So we have bought some of those</p> <p>4 kinds of books since I've been here, and we may have</p> <p>5 bought others. I just don't recall signing a purchase</p> <p>6 order for books.</p> <p>7 Q Okay.</p> <p>8 MS. SANDLEY: Let's look at Exhibit 40,</p> <p>9 CCBVA4652.</p> <p>10 (Exhibit 40 marked for identification.)</p> <p>11 MS. SANDLEY: Okay.</p> <p>12 Q (By Ms. Sandley) What is this document?</p> <p>13 A It's the 24-hour building schedule.</p> <p>14 Q Okay. And this one is dated March 6, 2019.</p> <p>15 Do you know if this is the one that's currently</p> <p>16 approved?</p> <p>17 A No, it is not. I believe we have a more</p> <p>18 current one.</p> <p>19 Q Okay. Well, I want to just walk through this</p> <p>20 one and ask you a few questions about some of the terms</p> <p>21 that are used. We're going to jump around a little</p> <p>22 bit, but let's start with the entries about food.</p> <p>23 So let's look at the 3 a.m. entry. It says,</p> <p>24 "Commence first-shift workers to food service." What</p> <p>25 does that mean?</p>

<p style="text-align: right;">Page 334</p> <p>1 RUSSELL WASHBURN</p> <p>2 A It means that's the time that they would</p> <p>3 start the -- be woken up to report for work.</p> <p>4 Q Okay. And let me back up. This routine,</p> <p>5 would you consider this to be policy at Stewart?</p> <p>6 A It's a guide. I wouldn't necessarily say</p> <p>7 it's a policy. There's a lot of moving parts inside of</p> <p>8 a detention facility and a prison. So our best efforts</p> <p>9 are to follow this as much as possible, but</p> <p>10 understanding that we're going to get out of schedule</p> <p>11 pretty routinely, but the efforts are to try to stay as</p> <p>12 close to that schedule as we can. So I wouldn't</p> <p>13 necessarily call it -- reference it as a policy, more</p> <p>14 as a schedule.</p> <p>15 Q Okay. Are CoreCivic staff at Stewart</p> <p>16 expected to make their best efforts to comply with this</p> <p>17 schedule?</p> <p>18 A Yes.</p> <p>19 Q Okay. All right, so going back to that</p> <p>20 3 a.m. time, so that's when the first shift of</p> <p>21 work-program kitchen workers are supposed to report to</p> <p>22 work; is that right?</p> <p>23 A That's correct.</p> <p>24 Q And then it says breakfast service for</p> <p>25 general population starts at 4 a.m. So I just want to</p>	<p style="text-align: right;">Page 335</p> <p>1 RUSSELL WASHBURN</p> <p>2 make sure I'm understanding. The kitchen workers</p> <p>3 report at 3 a.m. and then meal service starts at</p> <p>4 4 a.m.; is that correct?</p> <p>5 A That's correct.</p> <p>6 Q Okay. And according to this schedule, people</p> <p>7 in general population eat breakfast from 4 a.m. to</p> <p>8 5:45 a.m.?</p> <p>9 A Again, give or take some fluctuation to that,</p> <p>10 yes.</p> <p>11 Q Okay, but where it says at 5:45, "Secure</p> <p>12 morning meal general population," does that mean the</p> <p>13 meal is over?</p> <p>14 A Again, if everything goes according to plan,</p> <p>15 then yes, that would be. Somewhere in that vicinity</p> <p>16 that the meal would be over.</p> <p>17 Q Okay. Do you see anywhere on this schedule</p> <p>18 that indicates when the first-shift kitchen workers are</p> <p>19 supposed to return to their units?</p> <p>20 A Not that's outlined on the schedule, no,</p> <p>21 other than where -- well, no, that's shift change for</p> <p>22 the facility. So that's 0600. No, I do not.</p> <p>23 Q Okay. We can scroll down just a little bit</p> <p>24 more.</p> <p>25 Do you see anything here about first-shift</p>
<p style="text-align: right;">Page 336</p> <p>1 RUSSELL WASHBURN</p> <p>2 workers returning to their units?</p> <p>3 A No. But I'll say this, is that's the reason</p> <p>4 we have the actual work schedule. Because, again, that</p> <p>5 could change a little more frequently than what this</p> <p>6 would change, based on numbers, classifications,</p> <p>7 genders. That could change a little more frequently</p> <p>8 than what we would want to see the building schedule</p> <p>9 change. So that would be captured, actually, on that</p> <p>10 work schedule.</p> <p>11 Q Okay. And then looking at the 8:45 a.m.</p> <p>12 entry, "Second-shift kitchen workers," is that when</p> <p>13 generally second-shift kitchen workers are supposed to</p> <p>14 report to work?</p> <p>15 A I believe so, at least with this schedule.</p> <p>16 I'm not sure that's the same time today.</p> <p>17 Q Okay. And then 10:15 a.m., "Commence noon</p> <p>18 meal for general population," so that's when lunch</p> <p>19 service starts, correct?</p> <p>20 A Yes, ma'am.</p> <p>21 Q And then lunch ends, according to this</p> <p>22 document, at noon?</p> <p>23 A Somewhere in that area, yes. Typically, it's</p> <p>24 beyond noon, but yes.</p> <p>25 Q Okay, but that 12 p.m. entry that says</p>	<p style="text-align: right;">Page 337</p> <p>1 RUSSELL WASHBURN</p> <p>2 "Secure noon meal general population" indicates that's</p> <p>3 when the lunch meal is supposed to end, correct?</p> <p>4 A Correct.</p> <p>5 Q And then let's look at that 12:15 p.m. entry</p> <p>6 that says, "Secure kitchen trash disposal upon</p> <p>7 completion." Who takes the kitchen trash out?</p> <p>8 A When we have detainees who meet</p> <p>9 classification, it could be detainees; but, quite</p> <p>10 frankly, it's more frequently staff.</p> <p>11 Q Okay. And are the detained people who take</p> <p>12 the trash out kitchen workers?</p> <p>13 A Yes, or hallway workers. Again, it's</p> <p>14 classification-driven and those who are approved to go</p> <p>15 out onto the back dock to dispose of trash, but it</p> <p>16 could be either the kitchen workers that are approved</p> <p>17 or the hallway workers.</p> <p>18 MS. SANDLEY: All right, we've hit</p> <p>19 6 o'clock your time, so why don't we stop for the</p> <p>20 day.</p> <p>21 THE WITNESS: I'm not mad at you. I</p> <p>22 just want to get up.</p> <p>23 MS. SANDLEY: I understand.</p> <p>24 Jacob, anything we need to talk about</p> <p>25 before we break for the day?</p>

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1 RUSSELL WASHBURN
2 MR. LEE: I don't think so.
3 (Deposition concluded at 6:00 p.m.)
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1
2 C E R T I F I C A T E
3
4 STATE OF GEORGIA
5 COUNTY OF COBB
6
7 I, MICHELLE M. BOUDREAUX-PHILLIPS, do hereby
8 certify that RUSSELL WASHBURN, the witness whose
9 deposition is hereinbefore set forth, was duly sworn by
10 me and that such deposition is a true record of the
11 testimony given by such witness.
12

13 I further certify that I am not related to
14 any of the parties to this action by blood or marriage
15 and that I am in no way interested in the outcome of
16 this matter.
17

18 IN WITNESS WHEREOF, I have hereunto set my
19 hand this 13th day of December 2021.
20
21



MICHELLE M. BOUDREAUX-PHILLIPS, RPR

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1
2 ERRATA SHEET FOR THE TRANSCRIPT OF:
3 Case Name: Wilhen Hill Barrientos vs. CoreCivic
4 Deposition Date: December 1, 2021
5 Deponent: Russell Washburn

Pg.	Ln.	Now Reads	Should Read	Reason
7	—	—	—	—
8	—	—	—	—
9	—	—	—	—
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16	—	—	—	—
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18	—	—	—	—

Signature of Deponent

21
22
23 SUBSCRIBED AND SWORN BEFORE ME
24 THIS ____ DAY OF _____ 20____.
25 (SIGNATURE OF NOTARY PUBLIC)
MY COMMISSION EXPIRES: _____

\$	1	13	1752	
\$1 22:19 65:19 70:22 175:21 176:2 206:12, 14,16,20,21 207:3 213:3,4 216:5	1 31:6,7 34:14 65:3,4 78:4 113:24,25 114:24 130:14 149:19 157:15 171:15 197:10 198:8 233:9,15	151:14 157:2,3 233:17	57:21 58:14,20 118:13 119:4,7,11 134:18,19 136:8,12 143:22,23 144:7,9,19 145:4 231:11	119:17 239:22
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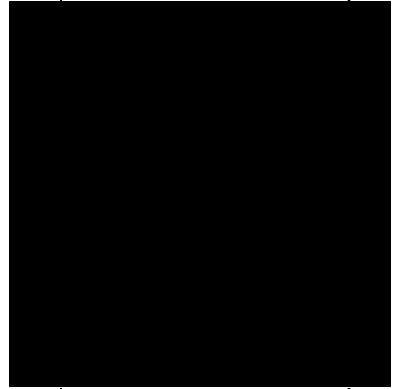
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